

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HOSEA L. ROBINSON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:18CV1853 HEA
)	
ST. LOUIS CITY, et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of the complaint and supplemental documents filed by plaintiff Hosea L. Robinson, a prisoner and frequent filer of lawsuits. The allegations of the complaint and supplemental filings are not entirely clear. Plaintiff seems to assert a variety of claims including denial of adequate medical care and lack of disability accommodation while in State custody; violation of his right to a fair trial by jury; and deliberate indifference to his serious medical needs in the treatment of both his heart and gum disease at the Southeast Correctional Center, where he is currently incarcerated. However, the complaint is defective because, among other things, it was not drafted on the Court’s form, see E.D. Mo. Local Rule 2.06(A), and plaintiff’s allegations are conclusory and fail to explain how any particular individual was personally responsible for violating his rights. In addition, plaintiff has neither paid the filing fee nor filed a motion for leave to proceed in forma pauperis.¹

Because plaintiff is proceeding pro se, the Court will allow him to file an amended complaint on the Court’s form. Plaintiff has twenty-one (21) days from the date of this Order to

¹ The Court notes that plaintiff uses the language “motion to proceed ‘in forma pauperis’ ” on one page of his supplemental filings. ECF No. 2 at 2. However, such a request should be filed on a Court form and should be accompanied by a statement of the applicant’s financial information. E.D. Mo. Local Rules 2.05(A), 2.06(A). A certified copy of plaintiff’s inmate account statement for the six-month period immediately preceding the filing of the complaint is required by 28 U.S.C. § 1915(a)(2).

file an amended complaint in accordance with the specific instructions set forth here. All claims in the action must be included in one, centralized complaint form. See Fed. R. Civ. P. 7(a)(1), 8(a).

Based on a review of cases previously filed by plaintiff, it appears that many of the allegations raised in the complaint here are the same or substantially similar allegations as those dismissed in other suits. See *Robinson v. State of Mo.*, No. 4:18-cv-1225-JAR (alleging ADA and ADAABA claims for denial of access to medical care and equipment; denial of right to fair trial; and deliberate indifference to serious medical needs); *Robinson v. State of Mo.*, 4:18-cv-114-RLW (same). Plaintiff's amended complaint should be clear on how the claims raised in this matter differ from those already considered by this Court.

In addition, plaintiff is warned that the filing of an amended complaint replaces the original complaint and all previously-filed pleadings, so plaintiff must include each and every one of the claims he wishes to pursue in the amended complaint. See, e.g., *In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). Any claims from the original complaint, supplements, and/or pleadings that are not included in the amended complaint will be deemed abandoned and will not be considered. *Id.* The allegations in the complaint may not be conclusory. Instead, plaintiff must plead facts that show how each and every defendant he names is personally involved in or directly responsible for the alleged harm. If plaintiff wishes to sue a defendant in his or her individual capacity, plaintiff must specifically say so in the amended complaint. If plaintiff fails to sue a defendant in his or her individual capacity, this action may be subject to dismissal as to that defendant.

All of plaintiff's claims should be clearly set forth in the "Statement of Claim." If plaintiff fails to file an amended complaint on the Court's form within twenty-one (21) days and

in compliance with the Court's instructions, the Court will dismiss this action without prejudice and without further notice.

Accordingly,


IT IS HEREBY ORDERED that the Clerk of Court shall to mail to plaintiff copies of the Court's Prisoner Civil Rights Complaint form and Motion to Proceed in Forma Pauperis – Prisoner Cases form.

IT IS FURTHER ORDERED that, within **twenty-one (21) days** of the date of this Order, plaintiff shall file an amended complaint on the Court-provided form and in compliance with the Court's instructions.

IT IS FURTHER ORDERED that, within **twenty-one (21) days** of the date of this Order, plaintiff shall either pay the filing fee or submit a motion to proceed in forma pauperis on the Court-provided form. If plaintiff files a motion to proceed in forma pauperis, he shall also submit a certified copy of his inmate account statement for the six-month period immediately preceding the filing of the complaint.

Plaintiff's failure to timely comply with this Order shall result in the dismissal of this action, without prejudice and without further notice.

Dated this 18th day of December, 2018.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE