IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

| CHRIS ALLEN JONES, | |) | |
|----------------------|-------------|-----|-----------|
| Pla | intiff, |)) | |
| v. | |) | 1:14CV817 |
| SGT. LUTHER, et al., | |) | |
| De | fendant(s). |) | |

ORDER AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a prisoner of the State of North Carolina, submitted a civil rights action

pursuant to 42 U.S.C. § 1983.¹ The form of the Complaint is such that serious flaws make

it impossible to further process the Complaint. The problems are:

- 1. The filing fee was not received nor was a proper affidavit to proceed *in forma pauperis* submitted, with sufficient information completed or signed by Plaintiff, to permit review.
- 2. It is not clear that Plaintiff states any viable claim for relief. His main allegations are that Defendant Luther did not like him, generally harassed him, and prevented him from obtaining a better prison job. There is no constitutional requirement that prison guards like Plaintiff, that they treat him in a civil manner, or that they award him any particular prison job.

Consequently, the Complaint should be dismissed, but without prejudice to Plaintiff

filing a new complaint, on the proper § 1983 forms, which corrects the defects of the present

¹ Plaintiff checked a blank on the front of the Complaint indicating that his suit is one brought under 28 U.S.C. § 1331 against federal officials. However, he names only state correctional officers as defendants.

Complaint. To further aid Plaintiff, the Clerk is instructed to send Plaintiff new § 1983 forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Fed. R. Civ. P. 8 (*i.e.*, Sections (a) & (d)).

In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation. The Clerk is instructed to send Plaintiff § 1983 forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Fed. R. Civ. P. 8 (*i.e.*, Sections (a) & (d)).

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited above.

This, the 26th day of September, 2014.

/s/ L. Patrick Auld L. Patrick Auld United States Magistrate Judge