

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18-cv-116-FDW**

ELI ALVAREZ, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	<u>ORDER</u>
)	
KENNETH LASSITER, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on its own motion. On April 22, 2018, Plaintiff Eli Alvarez filed a Complaint pursuant to 42 U.S.C. § 1983 that he purports to bring on behalf of himself and four other inmates: Givonno Carter, Marvin H. Johnson, Malcolm Tharrington, and Brian L. Martin, Jr. However, only Alvarez has signed the Complaint under penalty of perjury, and only he has filed an Application to Proceed in District Court Without Prepaying Fees or Costs. (Doc. Nos. 1, 2).

Due to the serious deficiencies in the Complaint, and failure of four of the Plaintiffs to file motions to proceed *in forma pauperis*, the Court is unable to screen the Complaint at this time.

Plaintiffs shall have **21 days** in which to file an Amended Complaint in which they may attempt to cure these deficiencies. Plaintiffs are reminded that, despite their *pro se* status, they must comply with all applicable procedures and rules including the Federal Rules of Civil Procedure and the Court’s Local Rules. Each of the Plaintiffs must sign the Amended Complaint under penalty of perjury. Rule 8(a)(2) of the Federal Rules of Civil Procedure requires a “short and plain” statement of the claim. Any Amended Complaint will supersede the original Complaint and therefore any Defendants or claims not contained in the Amended Complaint will be waived.

Plaintiffs must include the case number on the Amended Complaint so that it is docketed in the correct case. Plaintiffs' failure to timely file a single superseding Amended Complaint that complies with this Order will result in the Court proceeding on the Complaint only with regards to Eli Alvarez; the remaining Plaintiffs will be dismissed from this action. The filing of more than one Amended Complaint will probably result in the opening of separate § 1983 cases.

IT IS, THEREFORE, ORDERED that:

1. Plaintiffs shall have **21 days** in which to file an Amended Complaint in accordance with this Order and all applicable rules and procedures. During that time, Plaintiffs Carter, Johnson, Tharrington, and Martin, shall also file motions to proceed *in forma pauperis*. If Plaintiffs fail to file an Amend Complaint in accordance with this Order, this action will be dismissed and closed without prejudice and without further notice as to Plaintiffs Carter, Johnson, Tharrington, and Martin, and the matter will proceed solely with regards to Plaintiff Alvarez.
2. The Clerk is directed to mail a copy of a new Section 1983 complaint form to Plaintiffs.

Signed: May 14, 2018



Frank D. Whitney
Chief United States District Judge

