

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:18-cv-72-FDW**

<b>BERWYN ROBINSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>ALEXANDER CORRECTIONAL INSTITUTION, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
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**THIS MATTER** is before the Court on periodic status review.

Incarcerated Plaintiff's *pro se* Complaint pursuant to 42 U.S.C. § 1983 was originally docketed in the Eastern District of North Carolina, and it was transferred to this Court on April 25, 2018. (Doc. Nos. 1, 3). Plaintiff failed to pay the \$400 filing fee or file a motion to proceed *in forma pauperis*. On April 25, 2018, the Clerk of Court issued a Notice of Deficiency informing Plaintiff that the filing fee or an application to proceed *in forma pauperis* had not been filed and that the fee was due by May 16, 2018. (Doc. No. 4). On April 27, 2018, the Court issued an Order explaining that the Complaint was seriously deficient, dismissing it without prejudice, and providing him the opportunity to file an Amended Complaint within 21 days. (Doc. No. 5). Plaintiff was provided with copies of the *in forma pauperis* application and a blank § 1983 form. (Doc. Nos. 4, 5).

Plaintiff has not filed a motion to proceed *in forma pauperis* or paid the filing fee to date. Plaintiff has filed a document that was docketed as an Amended Complaint, and he has also filed a document docketed as a Letter that appears to be a Second Amended Complaint. Neither of the

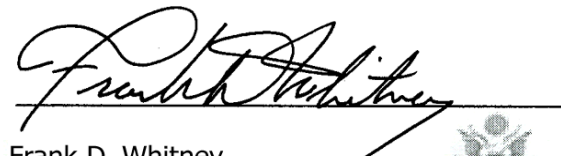

documents is on the required form, is signed, or contains a clear prayer for relief.

Plaintiff must either pay the \$400 filing fee or file an application to proceed *in forma pauperis* and file a superseding Third Amended Complaint within ten days of the date of this Order, or this action will be dismissed without prejudice.<sup>1</sup> See generally Fed. R. Civ. P. 41(b); 28 U.S.C. § 1915.

**IT IS, THEREFORE, ORDERED that:**

1. Plaintiff shall have ten days from service of this Order in which to either pay the \$400 filing fee or file an application to proceed *in forma pauperis*, and file a Third Amended Complaint that complies with all applicable rules and procedures.
2. The Clerk is directed to mail a copy of this Order, an application to proceed *in forma pauperis*, and a blank § 1983 form to Plaintiff.

Signed: August 30, 2018

  
Frank D. Whitney  
Chief United States District Judge 

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<sup>1</sup> Although Petitioner is appearing *pro se*, he is required to comply with all applicable timeliness and procedural requirements, including the Local Rules of the United States District Court for the Western District of North Carolina and the Federal Rules of Civil Procedure. The Amended Complaint must be on a § 1983 form, which the Court will provide, and it must refer to the instant case number so that it is docketed in the correct case. It must contain a “short and plain statement of the claim” showing that Plaintiff is entitled to relief against each of the defendants. Fed. R. Civ. P. 8(a)(2). The Third Amended Complaint must contain all claims Plaintiff intends to bring in this action, identify all defendants he intends to sue, and clearly set forth the factual allegations against each of them. Plaintiff may not amend his Complaint by merely adding defendants and claims in a piecemeal fashion. The Third Amended Complaint will supersede all prior pleadings so that any claims or parties omitted from the Third Amended Complaint will be waived. See Young v. City of Mt. Ranier, 238 F.3d 567 (4<sup>th</sup> Cir. 2001).