

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DAVID O. COOPER,

Plaintiff,

Case No.: 3:13-cv-272

vs.

MONTGOMERY COUNTY, OHIO
SHERIFF'S DEPARTMENT, *et al.*,

District Judge Walter H. Rice
Magistrate Judge Michael J. Newman

Defendants.

ORDER

The Clerk of Courts received multiples pieces of correspondence from *pro se* Plaintiff on May 14, 2014 consisting of several copies of his amended complaint and a USM 285 Form with a different address for service of process to Defendant Montgomery County, Ohio Sheriff's Department.

Plaintiff filed his original complaint on August 15, 2013, but failed to pay the filing fee or file a motion for leave to proceed *in forma pauperis* ("IFP"). Doc. 1. The Court issued a Deficiency Order on August 16, 2013 directing Plaintiff, who is incarcerated, to pay the filing fee or complete an Application and Affidavit by an Incarcerated Person to Proceed Without Prepayment of Fees and Costs by September 16, 2013. Doc. 2. Plaintiff filed a motion for an extension of time on September 11, 2013 and attached an amended complaint. Doc. 3. A review of the docket reveals that the attached amended complaint was never docketed as Plaintiff's amended complaint. The amended complaint provides the names of two Defendants referred to in the original complaint only by their rank. Doc. 3-1 at PageID 7. Summons forms were issued on April 25, 2014 based on the Defendants named in the original complaint. Doc. 22. The

summons have not been returned as executed as of May 16, 2014; however, it is clear that the outstanding summonses must be updated to reflect the amended complaint.

The Clerk of Courts is **ORDERED** to docket Plaintiff's amended complaint, which is attached to his September 11, 2013 motion for an extension of time as Exhibit 1. Doc. 3-1. The Clerk of Courts is further **ORDERED** to mail Plaintiff blank Summons Forms and USM 285 Forms to be completed as to his amended complaint. Plaintiff is **ORDERED** to submit the Summons Forms and USM 285 Forms, properly completed as to all Defendants named in his amended complaint, by **June 19, 2014**.

The Court also notes that Plaintiff has not paid his initial partial filing fee or any monthly payments as required by 28 U.S.C. § 1915(b). Accordingly, Plaintiff is **ORDERED** to ensure that all outstanding payments are made by **June 19, 2014**.

Plaintiff is **ADVISED** that failure to comply with the terms of this Order, regarding completion of Summons Forms and payment of partial filing fees, could result in dismissal of his case. Finally, Plaintiff is **REMINDED** that he must promptly advise the Court in writing of any changes in his address.

IT IS SO ORDERED.

May 19, 2014.

s/ **Michael J. Newman**
United States Magistrate Judge