

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ERIC LEBRON MITCHELL,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-CV-105-TRM-SKL
)	
BARRY STEELMAN, JOHN G.)	
MCDUGAL, and P. COYLE,)	
)	
Defendants.)	

MEMORANDUM OPINION

This is a prisoner’s pro se complaint for violation of 42 U.S.C. § 1983. On July 12, 2021, the Court entered an order notifying Plaintiff that his complaint was unsigned, did not contain a demand for relief, and did not state a cognizable claim under § 1983 but may state a cognizable claim for habeas corpus relief, and therefore providing Plaintiff thirty days to return one of the following:

1. A signed copy of his § 1983 complaint with a demand for relief;
2. A signed and properly completed petition for a writ of habeas corpus; or
3. A signed notice that he is withdrawing his claims for relief.

[Doc. 6 p. 2–4]. This order also notified Plaintiff that if he failed to timely file any of the above documents, the Court would strike his unsigned § 1983 complaint pursuant to Rule 11(a) of the Federal Rules of Civil Procedure and dismiss this action [*Id.* at 5]. Plaintiff has not filed any document in response to this order, and his time for doing so has passed.

Accordingly, pursuant to Rule 11(a), the Clerk will be **DIRECTED** to strike Plaintiff’s complaint [Doc. 1], terminate his motion for leave to proceed *in forma pauperis* [Doc. 5], and

close this file. The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Fed. R. App. P. 24.

AN APPROPRIATE JUDGMENT ORDER WILL ENTER.

/s/ Travis R. McDonough _____

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**