

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JEREME ODOM,)	
)	
Plaintiff,)	
)	Civil No. 3:12-0586
v.)	Judge Trauger
)	
DAVID EDWARD CHUTE and)	
KATHLEEN PATRICIA CHUTE,)	
)	
Defendants.)	

ORDER

On June 7, 2012, the court denied the Application to Proceed In District Court Without Prepaying Fees or Costs made by David Edward Chute and Kathleen Patricia Chute. (Docket No. 6) Following that denial, the parties paid the filing fee.

Although the initial documents filed by the Chutes seemed to indicate that they wished to remove a case pending against them in the Montgomery County General Sessions Court to this court, this court has now been presented with Affidavits of the Chutes (Docket Nos. 4-5) that purport to allege a cause of action against Jereme Odom (as defendant) under 42 U.S.C. § 1983. These Affidavits have reversed the style of the case and show the Chutes as plaintiffs and Odom as defendant. The “Restraining Order” that the Chutes apparently seek as well in this court has reversed the style of the case and shows the Chutes as plaintiffs and Jereme Odom as a defendant.

This court cannot proceed to entertain an application for a temporary restraining order without a proper Complaint filed in this court. It appears that the Chutes have decided that, instead of removing the General Sessions case to this court, they wish to file a new, independent

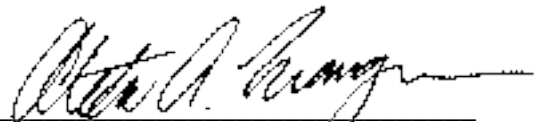
cause of action under 42 U.S.C. § 1983 against Jereme Odom. If, in fact, that is their desire, they must file a proper Complaint in this court in order to initiate the action. Once such a Complaint is filed, this court will consider an application for temporary restraining order that complies with the FEDERAL RULES OF CIVIL PROCEDURE and the Local Rules of this court.

If, indeed, the court is misinterpreting the documents filed by the Chutes, they should make clear to the court that they wish to pursue a removal of the General Sessions case instead of file a new, independent action in this court. If that is the case, the court will expect counsel for Jereme Odom to properly respond.

It is hereby **ORDERED** that, by June 15, 2012, the Chutes shall either file a Complaint in this action or file a notice stating that they wish to remove the General Sessions case to this court.

It is so **ORDERED**.

Issued this 7th day of June 2012.



ALETA A. TRAUGER
U.S. District Judge