

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JUAN CARLOS QUIZAR VIVIDOR,

Plaintiff,

v.

Case No: 2:18-cv-26-FtM-38CM

UNNAMED DEFENDANT,

Defendant.

OPINION AND ORDER¹

This matter comes before the Court on review of the Plaintiff's Handwritten Letter Complaint ([Doc. #1](#)) filed on January 12, 2018. Plaintiff is currently incarcerated at Butner Federal Medical Facility in Butner, North Carolina. Plaintiff failed to use the civil rights complaint form or habeas corpus form required for use by *pro se* litigants to present their cases.

Upon review of the pleading it is unclear what relief is sought. As currently written, the instant pleading fails to contain the information required in a civil rights complaint or in a 28 U.S.C. § 2254 habeas petition. Plaintiff's allegations are virtually unintelligible, and the complaint does not contain the historical information concerning Plaintiff's prior federal cases. See [28 U.S.C. § 1915\(g\)](#). For example, Plaintiff appears to allege that he

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is being mistreated and fed poison food by prison authorities. Plaintiff states that he is in the United States illegally and wants his life back. Plaintiff further claims that he was “Descobered” starting in Mexico in 2013, and is being housed by the BOP for a case that started in San Diego, California. No defendants have been named and no constitutional or civil rights violations have been alleged in Plaintiff’s Complaint.

Furthermore, Plaintiff has failed to either pay the required filing fee or submit a motion for leave to proceed *in forma pauperis*. Therefore, this case will be dismissed without prejudice to give Plaintiff an opportunity to properly file a civil rights complaint or 28 U.S.C. § 2254 habeas petition and to either pay the filing fee or submit an affidavit of indigency to the Court.

Accordingly, it is now

ORDERED:

- (1) Plaintiff’s Handwritten Letter Complaint ([Doc. #1](#)) is **DISMISSED without prejudice**.
- (2) The Clerk of the Court shall terminate any pending motions, enter judgment accordingly, and close the file.
- (3) Because the Plaintiff complains that he is being fed improper food the Clerk of the Court is instructed to transmit a copy of the Complaint ([Doc. #1](#)) to the warden of the institute at which Plaintiff is confined.
- (4) The Clerk shall also send Plaintiff a civil rights complaint form, a 28 U.S.C. § 2254 habeas form, an affidavit of indigency form, and a prisoner consent form and financial certificate. If Plaintiff chooses to pursue a civil rights action or habeas action, he may complete and submit these forms. However, Plaintiff

should not place the instant case number on the forms as this case will be closed. The Clerk will assign a separate case number in the event Plaintiff elects to pursue another action.

DONE and **ORDERED** in Fort Myers, Florida this 17th day of January, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies:
Juan Carlos Quizar Vivdor
SA: FTMP-2