

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ERIC EUGENE SNYNER, SR.,

Plaintiff,

VS.

Sheriff DAVID DAVIS;
et al.,

Defendants.

1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522
 523
 524
 525

NO. 5:23-cv-150-MTT-CHW

**PROCEEDINGS UNDER 42 U.S.C. § 1983
BEFORE THE U.S. MAGISTRATE JUDGE**

ORDER

Plaintiff Eric Eugene Snyder, Sr., a pretrial detainee in the Bibb County Law Enforcement Center in Macon, Georgia, filed a 42 U.S.C. § 1983 complaint. ECF No. 1. He also moved to proceed *in forma pauperis*. ECF No. 2. Plaintiff must recast his complaint and provide a certified copy of his trust fund account statement.

Plaintiff names five Defendants, including the Bibb County Sheriff's Office, Sheriff David Davis, and several officers. ECF No. 1 at 1-3. He alleges that on March 8 and/or March 9, 2022, his "victim's sister came inside [the] Bibb County Law Enforcement Center to commit murder against [him]." *Id.* at 5. Plaintiff states he had to receive mental health treatment and start taking Zoloft as a result of this incident. Plaintiff does not explain any of the Defendants' involvement. *Id.* at 6. Because Plaintiff is proceeding *pro se* the Court will allow him one opportunity to amend his complaint to state a claim.

Plaintiff must complete the attached 42 U.S.C. § 1983 form in full. It appears that Plaintiff may not have fully exhausted available administrative remedies. These remedies must be

exhausted **PRIOR** to filing a § 1983 complaint. If Plaintiff does not exhaust available administrative remedies before filing his complaint, the complaint will be dismissed, but Plaintiff will still be responsible for the full payment of the filing fee (\$350.00).

When filing his amended complaint, Plaintiff must list each Defendant in the heading of his complaint. Then, in the Statement of Claim section of the complaint, Plaintiff must list each Defendant again and tell the Court exactly how each Defendant violated Plaintiff's constitutional or federal statutory rights.

If a Defendant is not linked to a claim, the action will not proceed against that Defendant. If a claim is not linked to any Defendant, that claim will be dismissed.

Plaintiff should be aware that the Bibb County Sheriff's Office, which he lists as a Defendant, is not a legal entity subject to suit. *See Dean v. Barber*, 951 F.2d 1210, 1214 (11th Cir. 1992) (citations omitted) (recognizing that "[s]heriff's departments and police departments are not usually considered legal entities subject to suit"). Also, Plaintiff states he suffered "mental anguish, pain, and suffering." ECF No. 1 at 6. Pursuant to the Prison Litigation Reform Act, Plaintiff may not recover compensatory damages "for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act." 28 U.S.C. 1997e(e).

The amended complaint is limited to **TEN** pages. Plaintiff is not to include any exhibits or attachments with his amended complaint. The Court will not refer to Plaintiff's original complaint to determine if Plaintiff has stated a claim. Plaintiff must follow these instructions. If he fails to do so, his action will be dismissed.

As stated above, Plaintiff also moves to proceed *in forma pauperis*. ECF No. 2. The Court has reviewed Plaintiff's motion and finds it is incomplete. A prisoner or pretrial detainee seeking leave to proceed *in forma pauperis* must submit (1) an affidavit in support of his claim of

indigence and (2) “a certified copy of [his] trust fund account statement (or institutional equivalent) . . . for the 6-month period immediately preceding the filing of the complaint.” 28 U.S.C. § 1915(a)(1)-(2). Plaintiff has failed to submit a certified copy of his trust fund account statement. Plaintiff must be aware that he will be responsible for the full payment of the filing fee even if the Court grants him leave to proceed *in forma pauperis*. 28 U.S.C. § 1915(b)(1).

In conclusion, it is **ORDERED** that Plaintiff has **FOURTEEN (14) DAYS** from the date of this Order to file his amended complaint and to submit a certified copy of his trust fund account statement. If Plaintiff fails to do so, or fails to follow the instructions in this Order, his action will be dismissed without prejudice.

It is **DIRECTED** that the Clerk of Court forward to Plaintiff a standard §1983 form and *in forma pauperis* forms with the civil action number on them along with a copy of this Order.

Plaintiff is **ORDERED** to keep the Court informed of any address changes and his failure to do so, may result in dismissal of this action.

So **ORDERED and DIRECTED**, this 16th day of June, 2023.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge