

In the District Court of the United States  
For The District of South Carolina  
CHARLESTON DIVISION

FILED

MAY 13 2004

LARRY W. PROFFS, CLERK  
CHARLESTON, SC

Lee Kent Hempfling, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 LM Communications, Inc., )  
 LM Communications of )  
 South Carolina, Inc., )  
 LM Communications II of )  
 South Carolina, Inc. )  
 )  
 Defendants. )

Civil Action No. 2:04-1373-23BG

ENTERED  
5/13/04

ORDER

Lee Kent Hempfling ("Plaintiff"), proceeding *pro se*, filed a proposed complaint (the "Proposed Complaint") on May 3, 2004 with the Clerk's Office for the United States District Court for the District of South Carolina, naming the above-captioned Defendants (the "Defendants").

After reviewing the Proposed Complaint, the undersigned finds that it is not in proper form for service upon the Defendants because it is not drafted in accordance with the Federal Rules of Civil Procedure ("Fed. R. Civ. P."). Plaintiff's Proposed Complaint numbers one hundred and nineteen pages, and refers to over one hundred exhibits.

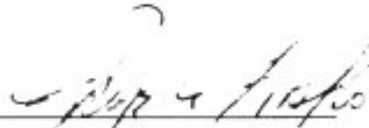
Plaintiff's Proposed Complaint is not in compliance with Fed. R. Civ. P. 8(a), which mandates, in pertinent part, that "[a] pleading which sets forth a claim for relief ... shall contain ... (2) a short and plain statement of the claim showing that the pleader is entitled to relief[.]"

(Emphasis supplied by the Court). Furthermore, pursuant to Fed. R. Civ. P. 8(e)(1), “[e]ach averment of a pleading shall be simple, concise, and direct. ...”

Now, therefore,

**IT IS ORDERED** that the Plaintiff is hereby ordered to file with the Clerk of Court an Amended Complaint which sets forth a short and plain statement of the facts, in compliance with the Federal Rules of Civil Procedure, within twenty (20) days of the date of this Order.<sup>1</sup>

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
George C. Kosko  
United States Magistrate Judge

May 13, 2004  
Charleston, South Carolina

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<sup>1</sup> Should the Court determine that the Amended Complaint is in compliance with the Federal Rules of Civil Procedure, the Court shall issue an Order directing the Clerk of Court to issue the summonses, and to forward to newly-issued summonses and the copies of the Amended Complaint to the Plaintiff for service of process upon the Defendants.