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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

9 10 Torrance Derrick Mincey,) No. CV 12-0303-PHX-GMS (LOA)

Plaintiff,

Vs.

Plaintiff,

ORDER

Joseph M. Arpaio, et al.,

Defendants.

Complex, East Unit, in Florence, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983. In an Order filed on April 6, 2012, the Court dismissed the Complaint with leave to file an amended complaint within 30 days. (Doc. 8.) On April 13, 2012, Plaintiff filed a motion for an extension of time in which to file an amended complaint,

Plaintiff Torrance Derrick Mincey, who is confined in the Arizona State Prison

21 copies of his Complaint and filings from a state case, and asks that he not be assessed court

costs. Plaintiff fails to indicate the reason for seeking an extension of time or how much additional time he requests. Nevertheless, the Court will grant him an additional 20 days to

file a First Amended Complaint. A copy of Plaintiff's Complaint will be sent to Plaintiff.

25 The balance of the relief requested will be denied.

Plaintiff in part appears to seek to have the assessment for the filing fee for this action vacated. Federal statutes impose a filing fee for any litigant to commence a civil case in federal court. 28 U.S.C. § 1914. As the Court's prior Order, and the court-approved form

for a prisoner seeking leave to proceed *in forma pauperis*, informed Plaintiff, a *prisoner* who is granted leave to proceed *in forma pauperis* is statutorily required to pay the filing fee of \$350.00. (Doc. 8, citing 28 U.S.C. § 1915(b)(1)). Plaintiff cites no authority, nor is the Court aware of any, that permits the Court to vacate the assessment of a filing fee. Accordingly, Plaintiff's motion will be denied to the extent that he seeks to have the assessment for the filing fee vacated.

Plaintiff also asks the Court to provide him a copy of his Complaint in this case and copies of documents from a state court case filed by him, which he seeks to assist in drafting an amended complaint. Plaintiff is reminded that a copy of the Complaint from this case will be forwarded to Plaintiff. However, Plaintiff's request to have copies of documents from his state court case will be denied. Plaintiff must contact the state court, i.e., Maricopa County Superior Court, to obtain copies of those documents.¹

Warnings

A. Release

Plaintiff must pay the unpaid balance of the filing fee within 120 days of his release. Also, within 30 days of his release, he must either (1) notify the Court that he intends to pay the balance or (2) show good cause, in writing, why he cannot. Failure to comply may result in dismissal of this action.

B. Address Changes

Plaintiff must file and serve a notice of a change of address in accordance with Rule 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other relief with a notice of change of address. Failure to comply may result in dismissal of this action.

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¹ In its prior Order, the Court cited information contained in state court minute orders, some of which may be viewed on-line. However, Plaintiff's filings in his special action and any responses thereto, are not available on-line and federal courts do not possess or maintain copies of state court filings.

C. Copies

Plaintiff must submit an additional copy of every filing for use by the Court. <u>See</u> LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice to Plaintiff.

D. Possible "Strike"

Because the Complaint has been dismissed for failure to state a claim, if Plaintiff fails to file an amended complaint correcting the deficiencies identified in the April 6, 2012 Order, the dismissal may count as a "strike" under the "3-strikes" provision of 28 U.S.C. § 1915(g). Under the 3-strikes provision, a prisoner may not bring a civil action or appeal a civil judgment *in forma pauperis* under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

E. Possible Dismissal

If Plaintiff fails to timely comply with every provision of the April 6, 2012 Order and this Order, including these warnings, the Court may dismiss this action without further notice. See Ferdik, 963 F.2d at 1260-61 (a district court may dismiss an action for failure to comply with any order of the Court).

IT IS ORDERED:

- (1) Plaintiff's motion for an extension of time is **granted in part** and **denied in part**. The motion is **granted** to the extent set forth below and otherwise **denied**. (Doc. 10.)
- (2) Plaintiff is granted an additional **20 days** from the original deadline set in the April 6, 2012 Order, doc. 8, in which to file a first amended complaint in compliance with the April 6, 2012 Order, doc. 8.
- (3) If Plaintiff fails to file an amended complaint within the extension granted herein, the Clerk of Court must, without further notice, enter a judgment of dismissal of this action with prejudice that states that the dismissal may count as a "strike" under 28 U.S.C.

1	§ 1915(g).
2	(4) The Clerk of Court must mail Plaintiff a copy of his Complaint, doc. 1.
3	DATED this 16th day of April, 2012.
4	21 211
5	A. Murray Snow
6	United States District Judge
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Case 2:12-cv-00303-GMSLOA D00	cument 1 Filed 02/14/12 Page 1 of 14
	FILED LODGE RECEIVED COPY
Mincey, Torvance P7696	37 FEB 1 4 2012
Lower Buckeye Jail	CLERK US DISTRICT COURT DISTRICT OF ARIZONA
Place of Confinement 3250 W. Lower Buckeye Rd.	BYDEPU
Mailing Address	
Phoenix, Az. 85009 City, State, Zip Code	
(Failure to notify the Court of your change of address may res	South Contract to the contract of the contract
the court of your change of address may res	cult in dismissal of this action.)
TAL TIME LIBITION OF	
IN THE UNITED STA	TES DISTRICT COURT
FOR THE DISTR	CICT OF ARIZONA
TORRANCE MINCEY	
(Full Name of Plaintiff) Plaintiff,	
	CIV '12 03 03 PHX GMS LOA
of a significant with the visit of the significant) CASE NO. 12000 PHX GMS LOA
(1) DE ARPATO (Full Name of Defendant)	(To be supplied by the Clerk)
(2) MARICOPA COUNTY SHERIFA	
DEPARTMENT IN THE) CIVIL RIGHTS COMPLAINT
(3)	BY A PRISONER
(4)	
	Original Complaint
Defendant(s). Check if there are additional Defendants and attach page 1-A listing them.) First Amended Complaint
) Second Amended Complaint
A. JURIS	SDICTION
the jurisdiction over this action burst	lant to:
☐ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983	
Other:	vn Federal Narcotics Agents, 403 U.S. 388 (1971).

550/555

Other:

Institution/city where violation occurred: 4AVE JAIL

		ENDANTS M'C.S.O
1.	Name of first Defendant: Joe ARPAIO/d	The first Defendant is employed as:
	MARICOPA COUNTY SHERIFF	at 4 AVE JAIL / TENTS O'VARA
	(Position and Title)	(Institution)
2.	Name of second Defendant:	The second Defendant is employed as
		at at
	(Position and Title)	(Institution)
3.	Name of third Defendant:	The third Defendant is employed as:
		at
	(Position and Title)	(Institution)
4.	Name of fourth Defendant	The fourth Defendant is employed as:
- •	and the second s	at The fourth Defendant is employed as:
	(Position and Title)	(Institution)
1.C		listed above for each additional Defendant on a separate page.
2.	If yes, how many lawsuits have you filed?a. First prior lawsuit:	Describe the previous lawsuits:
		V
	2. Court and case number:	
	3. Result: (Was the case dismissed? Wa	s it appealed? Is it still pending?)
	b. Second prior lawsuit:	
	1 Doution	
	2. Court and case number:	V
	3. Result: (Was the case dismissed? Was	s it appealed? Is it still pending?)
		policing.)
	Tileta di Santa da Santa di Sa	
	c. Third prior lawsuit:	
	Parties: Court and case number:	V
	3. Result: (Was the case dismissed? Was	s it appealed? Is it still pending?)

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

4	Comment of the commen	CO	UNTI			
Par	State the constitutional or other	federal civil rig	nt that was violated:	XIII Anger	Vanent 4	Due_
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2.	Count I. Identify the issue invo	olved. Check on	ly one State addition	ani inguan in		
	☐ Basic necessities		Accepted	iai issues in		
	☐ Disciplinary proceedings	☐ Property	Access to the		☐ Medical	
		r Throatte	☐ Exercise of r	eligion	☐ Retaliation	on
	☐ Excessive force by an office	I LI Threat to S	arety 🖸 Other: ///	OLUNTARY	SERVIT	ude.
3.	Supporting Facts. State as brie	fly as possible t	ne FACTS supporting	Count I I	Doganile	artin saari
each	. Described the of the field of the	t violated your ri	ghts. State the facts of	dearly in vo	Describe exac	tly what
citin	g legal authority or arguments.			Acting in yo	ur own words	without
M	UPS COURT ORDERED	10 WORK R	elease tor.	FALCIAA	3 Belfire	or an
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OF	TOP OF WORKING	me to TH	A POINT OF LO	ed Fox	The SHR	eiff
		100 10 117	e BRINK OF de	HE 65 510		
4.	Injury. State how you were inju	red by the action	is or inactions of the	Dofordone	7 Page, 1	delition
7,4	NCIAL LOSS / EMOTIC	ONAL dist	less	Detendant(s	3).	
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5. 2	A.d					
_	Administrative Remedies: Are there any administrative					
	and the state of t	e remedies (grie	vance procedures or a	ıdministrati	ve appeals) av	/ailable
. 1.	at your institution?				☐ Yes	□ No
	Did you submit a request fo	r administrative	relief on Count 1?		Yes	□ No
	Did you appeal your request	for relief on Co	unt I to the highest le	vel?	Yes	F
C	 If you did not submit or app 	eal a request for	administrative relief	ot om. 11	, briefly expla	in why
	you did not.				- I	

1.	State the constitutional or other federal civil right that was violated:	19 , 1
2.	Count II. Identify the issue involved. Check only one. State additional issues in separate could be a basic necessities	care
3. eacl	Supporting Facts. State as briefly as possible the FACTS supporting Count II. Describe exact Defendant did or did not do that violated your rights. State the facts clearly in your own words ing legal authority or arguments.	tly what without
		
		
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		:
4.	Injury. State how you were injured by the actions or inactions of the Defendant(s).	
		· · · · · · · · · · · · · · · · · · ·
_		•
	Administrative Remedies. a. Are there any administrative remedies (grievenes presedent)	
	at your institution?	vailable
	L. I es	□ No
	Yes	□ No
	c. Did you appeal your request for relief on Count II to the highest level? d. If you did not submit or appeal a request for administration 11:55	□No
	d. If you did not submit or appeal a request for administrative relief at any level, briefly explayou did not.	in why

1.	State the constitutional or other federal civil right that was violated:
2.	Count III. Identify the issue involved. Check only one. State additional issues in separate counts. ☐ Basic necessities ☐ Mail ☐ Access to the court ☐ Medical care ☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☐ Retaliation ☐ Excessive force by an officer ☐ Threat to safety ☐ Other:
3. eac	Supporting Facts. State as briefly as possible the FACTS supporting Count III. Describe exactly what h Defendant did or did not do that violated your rights. State the facts clearly in your own words without ng legal authority or arguments.

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<u> </u>	
4.	Injury. State how you were injured by the actions or inactions of the Defendant(s).
·	
	Administrative Remedies. a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Did you submit a request for administrative relief on Count III? Yes No
	c. Did you appeal your request for relief on Count III?

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:	ILLIAN
FINNCIAL LOSS OU 3 TOX	ne Anneum Enchay
EMOTIONAL disTRESS! 2 MILL	ion
I declare under penalty of perjury that the forego	
Executed on $Q - 8 - 20/2$	Journel Menny
DATE	SIGNATURE OF PLAINTIFF
(Name and title of paralegal, legal assistant, or	
other person who helped prepare this complaint)	
(Signature of attorney, if any)	
(Attorney's address & telephone number)	

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

WITH MY HAND'S Tied, Being Berlind BAN'S HAS GREATED AN ALMOST IMPOSSIBLE debt to PAY BACK: THEN FINCING out THERE WAS NOTHING IN MY PASS KEEPING ME FROM going, I Filed A CIVIL COMPLAINT TOUT action IN superior court 157 HABERS CORPUS, ILC AND I LIKE TO INFORM YOU THAT THE SHERIFF OFFICE LIED TO THE COURTS WHEN THEY SAID I WAS CONVICTACE OF RAPE... And THE enclargement was over 20 years OLL AND CUAS A CCASS & NONCANGEROUS. But ANY HOW; PLEASE INVST, GATE THE FINGLING IN LIC COMPLANT THE SHERIFF OFF, is used to keep ME FROM PROTICIFATING IN WORK RELEASE. 5-28-09 THE COURT FOUND IT APPROPRIATE TO IN-VESTIGATE WHETHER OR NOT THE MARICOPA COUNTY SHERITT'S OFFICE CON CONTROL MNY ONDER WITH THE REGINALS TO WORK RELEASE: ON 4-25-09 THE STATE GAVE THERE FINDING OF THE QUALIFICATIONS TOR ME TO PARTICIPATE, And I was ordered to PARTICIPATE ONCE AGAIN THIS Time it small SHALL. INSTEAD OF OTHER WISE ECIONE! I STILL WAS NOT Release To work release As oder ON 1-30-09 IWAS Deleased From Custody WiTH Purge being Reduce To Zero; But still being Held AccounTAble For Additional Fee's AND INTEREST AFTER WORKING FOR THE JAPL 8-18-10 Hours A day FOR TREE I HAD GROWN TIRED OF TRYING TO UNTANGLE AMISTARE THAT WAS MADE WHEN I WAS LOCK UP FOR CHILD SUPPORT I WAS TRYING TO PAY. Real Bad Luck I SAY, Looking Ion A Job Nows,

THAT MONTH

my world Turn up side down I HAND LOST EVERTHING 4500000 Bellind instead of 8,0000 AND INTEREST AND Additional Fee's STILL going And THE COLLET STILL Holding Me in Contemp don't THAT BET ALL... 21/2 YEAR'S OF FREE WORK 8TO 10 HOUR'S A day, AS my Complains seem to go unanswer way was I not payed the My WORK?.. Welcome To THE CLUB OF disnafection I Tuen To Printhanding Trying to get money to Look FOR A Job, I strated geting depress no Home to go to, I TURN To booging Because I was confused AND LOOKING FOR SOMETHING THAT COULD PUSH THE bad Though's out of my mind, I was still Trying -TO FIND WORK BUT NOTHING CAME MY WAY, SAME old stony we'll CALL YOU. I SANK INTO FUNTHER despair Knowing I'm going to Be Lock uponce again Thing's ARE Looking Bad; And I get a CALL FROM THE UNION THEY SAY I HAVE TO BE RETRAINED I'VO been off awak for to Long, good thing thome going To pay me for my TRAINING I HAND TO GO TO 9LOB AZ I STAYED IN A VAN ATTHE K.O.A. AND ATE Can Food To benble To send 260 doller's For My daughter yet THEY CALL ME A SOM BET WOW ... I'get BACK AND I'M WATING FOR THE UNION TO CALL And Looking For something to do Tell THOM same old story well call you! Where we got some THING, I did NT WANY TO gO TO COURT ON 2-10-10 BECAUSE I KNEW NO MONEY, BACK TO JAIC TO AND



WORK FOR FREE AND I didn't WANT THAT I HAD enough To LAST me a Life Time .. Because THE SAME SYSTEM. THAT WAS SUPPOSE TO HELP ME LET ME AND MY FAMILY down, And This WAS A CHOICE between dignity and secritude Between Commitment and indifference. A CHOICE between Wright and wrong and I've Been done wrong. ON 5-26-10 I WAS ARRETED and order To work Release once again and THE M.C.S.O. OFFice did Tite some thing once again working me as A INHOUSE TRUSTER & TO 10 HOURS Aday Disnequeding THE Judge's Oder's: ON 6-16-10 Judge PRO TEM SKIFF AND I WHERE ON a PHONE Review HEARING AND HE ask me How was THE WORK Release working out; I Told Him I'm sonny to SAY THAT I HAVE'NT BEEN PUT IN WORKRELENSE HE ASK ME TO HAVE A SCJ. UNE SHIT COMMINDER TO GET ON THE PHONE AND HE THEM WHAT THEY WHERE going To do .. YOU Need TO LISTEN TO THE audio Take 50 you can HEAR IVER THING THAT WAS SAID BECAUSE THE MINUTE ENTRY don'S HAVE EVERY THING ... YOU KNOW; WAS ON WORK RECEASE The weeks And made 60 doller cuting grass in TOOK IT LOWN TOWN TO CHILD SUPPORT. AND THAT WHEN I Tound out ABOUT Being 45 00000 BeHIND IN STEAD CF 8:0000 I ASK you MEAN TO TELL ME THERE Holding me AccounTABLE FOR INTEREST And

AddITINAL Fees] AS IE ALL THE STEESS OF Being INCHRCRATED WORKING UNICY LINDER THE THREAT OF LOSING MY PRIVILEGES WAS'NT ENOUGH AND Howing To do it FUR FREE TO WOW. I STRATED Booging A LOT, AND I got A d. U.I. ON THE 18, OF July 10 To Add to my peoblem's But They deal 17 AFTER 4 days BACK TO WORKRELEASE I GO Looking For A Job Again, CAMP BACK UNDERTHE INFLUENCE, PUT ON THE OWNED FOR 30 days got Back OVER TO WORKRELEASE AND I Found 4 Job, I WENT TO COURT TO TRY TO get WORK HOUR'S MODITY M-2-10 SO I could get THERE ON Time And WAS Told IF THEY CAN'T WATE TELL HE CHANGES MY HOUR'S DINEXT COURT date To Fine A NEW OCCUPATION AND THAT did IT, THE Old MAN HAD FANALLY BROKE down, I gaid THIS dose'NT seem Like IT'S About THE MONEY ITS Princisifment. Another Job gone! AND THAT WAS MY LAST DAY IN THEM COLD TENNIT'S I Could'N'T TAKE IT ANY MORE, I WALK OFF AND didn't come BACK. I Recognize How High Flying WORDS CAN be deployed in THE SERVICE OF CYNICAL Aims And HOW THE NUBLEST SENTIMENTS CAN be Subverted IN THE NAME OF BURE and INTOLERANCE BECAUSE I WALK OFF, WELL LOOK AT THE HOLD Acture before you Judge I Took ALL I could TAKE And THEN SOME ... IN SUCH A CLIMATE, any assertion of shared ideals of common values might seem Hoplessly NAIVE



JULY 19 2010 d. U. T. THAT WAS desped, and 4 HAVE been Held EVERY Sence NOT WORKING Because I HOVE A Pending CHARGE, it's FUNNY HOW THINGS HAVE THEN OUT THEY WANT TO give Me le 1610 year's for the doll, I, witch I don't understand for I HAVE'NT BEEN in Any Trouble IN over 71/2 years, I Believe IT'S Betind my Complaining ABout The System ... I JUST LOST my mother on THE 3 OF Jeb 2010 To Add to my problem's ALSO ... I HAVE BOOM Seeing A Psychologist for My depresson, I KNOW I going To PRISON FOR dill. Because I'm TAKING RESPONSIBILITY FOR my fection, I've Been TAKing Cognitive Restructuring CLASSIES, AND AA TUBETTEN MYSELF AND I MUSA SAY THAT THERE bRINING Me CLOSER TO MY SELF IN god And THAT'S A VICTORY WITHIN ITSELF, FOR I see THING'S MORE CLEARLY NOW AND IT IS WHAT IT IS: I THEN TO boozing BECAUSE my LITE WAS TURN UP SIDE down TRYING TO UN TANGLE a MISTAKE THAT WAS MADE WHEN I WAS LOCKED UP FOR CHILD SUPPORT I WAS TRYING TO PRY! BUT NOT ALLOW TO ... I would like FOR the court To investigate THE ILC STATEMENT'S MADE BY THE SHREITT Office: AND ALSO SO AN INVESTIGATION ON my HOLD CHILD SUPPORT CASE MINUTE ENTRY



and Please Listen To The TAPL'S OF THE
enclose Dates for I Have Been done Rome;
And don't fonget To Run A'(N.C. I. C.) one
Pass Covictions: The Shreiff office HAS
Lied... I Just Hose The Count's Can un
TANGLE THIS mess, And give me Justice
FOR It's Been to long time Coming THANK'S
FOR You're Time with matter, I'm not
A dead Bet Lad In One who HAVE Geen
Next... I need

SINCERILY TORRANCE MINCEY Torrance Mincey

CASE # DR 1999-0100631 CR2011-101886-001

MARICOPA COUNTY SHERIFF'S OFFICE JOSEPH M. ARPAIO SHERIFF

CERTIFICATION

I hereby certify that on this dateFebruary !	9, 2012
I mailed the original and one copy (1) to the C Arizona.	Clerk of the United States District Court, District of
I further certify that copies of the original have	been forwarded to:
HonUnited States Dis	strict Court, District of Arizona.
HonUnited States Di	strict Court, District of Arizona.
Attorney General, State of Arizona.	
Judge, Arizona.	_, Superior Court, Maricopa County, State of
County Attorney	, Maricopa County, State of Arizona,
Public Defender	, Maricopa County, State of Arizona.
Attorney	

INMATE LEGAL SERVICES
Maricopa County Sheriff's Office
201 S. 4th Avenue
Phoenix, AZ 85003