

IN THE DISTRICT COURT OF THE UNITED STATES  
 FOR THE MIDDLE DISTRICT OF ALABAMA  
 NORTHERN DIVISION

NORMAN IRVIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 2:09cv161-TMH
	)	(WO)
U.S. DEPT. OF PROBATION	)	
AND PAROLES, <i>et al.</i> ,	)	
	)	
	)	
Defendants.	)	

**ORDER**

The plaintiff, an inmate incarcerated at the Atlanta U.S. Penitentiary in Atlanta, Georgia, has filed a *Bivens* action<sup>1</sup> alleging a violation of his constitutional rights. The plaintiff has also filed a motion for leave to proceed *in forma pauperis* in this action. Although the plaintiff submitted an affidavit in support of his motion for leave to proceed *in forma pauperis*, it is not accompanied by the requisite account information from the account clerk at the Atlanta U.S. Penitentiary. Accordingly, it is hereby

**ORDERED that on or before March 24, 2009**, the plaintiff shall file either a prison account statement from the account clerk at the Atlanta U.S. Penitentiary showing the average monthly balance in plaintiff’s prison account for the 6-month period immediately

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<sup>1</sup>*Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

preceding the filing of this complaint and the average monthly deposits to plaintiff's account during the past six months or the \$350.00 filing fee.

The plaintiff is **cautioned** that his failure to comply with this order will result in a recommendation that this case be dismissed

Done this 3<sup>rd</sup> day of March, 2009.

\_\_\_\_\_  
/s/Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE