

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

| | | |
|-------------------------|---|--------------------------------|
| TRISTAN WAYNE CRAWFORD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 5:21-cv-00188-LSC-NAD |
| |) | |
| WARDEN TONY, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

Plaintiff Tristan Wayne Crawford filed this action pursuant to 42 U.S.C. § 1983, alleging violations of his due process rights while incarcerated in the Limestone Correctional Facility. Doc. 1. Plaintiff Crawford also filed a motion for leave to proceed *in forma pauperis*. Doc. 2. The magistrate judge assigned to the case¹ notified Crawford that his motion to proceed *in forma pauperis* was incomplete, and directed him to file a complete, corrected motion within 30 days. Doc. 3.

Crawford moved for an extension of time to file a corrected motion (Doc. 4), which was granted (Doc. 5). But Crawford still failed to file a corrected motion, so the magistrate judge entered a report and recommendation, recommending that the court dismiss the action without prejudice for failure to prosecute. Doc. 6.

¹ This case was reassigned to the undersigned on August 31, 2021.

Crawford then filed objections to the report and recommendation, arguing that he had not been able to timely file a corrected motion because of delays caused by the prison business office. Doc. 7.

On December 17, 2021, the undersigned again ordered Crawford either to pay the filing fee of \$402.00, or to submit a properly completed application to proceed *in forma pauperis*, within 14 days. Doc. 8.

Now, Crawford has filed a motion for extension of time, stating that he did not receive the December 17, 2021 order until December 24, 2021, and that due to understaffing the prison business office will take two-to-four weeks to provide him with the necessary information to properly complete an application to proceed *in forma pauperis*. Doc. 9. In the motion, Crawford also requests copies of pleadings he previously filed. Doc. 9.

Because Crawford has shown good cause, his motion for extension of time (Doc. 9) is **GRANTED**. Crawford must file a new application to proceed *in forma pauperis*, supported by a certified copy of his prison account statement, within **30 days** of the date of this order.

Because Crawford must file a new application to proceed *in forma pauperis*, his prior application to proceed *in forma pauperis* (Doc. 2) is **DENIED** as moot. Further, the report and recommendation recommending that the court dismiss this case for failure to prosecute (Doc. 6) is **WITHDRAWN**.

However, Crawford is NOTIFIED that the failure to comply with this order

within **30 days** will result in the entry of a new report and recommendation, recommending that the court dismiss this action based on his failure to comply with court orders.

Finally, with regard to his requests for copies of pleadings that he previously filed, Crawford is ADVISED that the court charges \$0.50-per-page for copies, and that those charges must be paid in advance. To obtain a copy of the complaint and/or other documents in this case, Crawford should mail his request to the Clerk's Office, 1729 Fifth Avenue North, Birmingham, Alabama 35203. Crawford's complaint is seven pages and his current motion is an additional page—eight pages total. For those two documents, Crawford should send the Clerk of Court a letter requesting the copies, and a check or money order in the amount of \$4.00 to cover the costs of copying. The check or money order should be made payable to "**Clerk, United States District Court**," and should be clearly marked "**Case No. 5:21-cv-00188-LSC-NAD**." Upon receipt of the request and payment, the Clerk will mail a copy of the specified pleadings filed to Crawford.

The Clerk is **DIRECTED** to serve a copy of this order on the plaintiff.

DONE and **ORDERED** this January 11, 2022.



NICHOLAS A. DANELLA
UNITED STATES MAGISTRATE JUDGE