

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

DRAPER FRANK WOODYARD,
183250,

Plaintiff,

vs.

MICHAEL MITCHELL, *et al.*,

Defendants.

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* CIVIL ACTION NO. 24-00288-JB-B

ORDER

This action is before the Court on review. On November 19, 2024, the Court received Plaintiff Draper Frank Woodyard's amended complaint and motion to proceed without prepayment of fees, both of which were dated October 24, 2024. (Docs. 5, 6). In light of the foregoing, the undersigned Magistrate Judge's report and recommendation dated November 13, 2024 (Doc. 4), is hereby **WITHDRAWN**.¹

The Court notes that Woodyard's motion to proceed without prepayment of fees ("IFP") is fully completed, except that it does not include a certificate completed and signed by an authorized

¹ On September 30, 2024, the Court ordered Woodyard to file an amended complaint, and to either pay the \$405.00 filing fee or file a motion to proceed without prepayment of fees, on or before October 30, 2024. (Doc. 3). On November 13, 2024, after receiving no response from Woodyard by the October 30, 2024 deadline, the undersigned entered a report and recommendation recommending that this action be dismissed for failure to prosecute and failure to comply with the Court's order. (Doc. 4).

prison official and does not include a financial statement reflecting all transactions in Woodyard's inmate account for the six months immediately preceding the filing of this action. (See Doc. 6). Woodyard indicates that he has been unable to obtain the completed certificate and financial statement because the Business Office at Limestone Correctional Facility will not "verify the account." (Id. at 1).

The Court takes judicial notice of the fact that Woodyard has several cases currently pending before this Court, and in his case styled Draper Frank Woodyard versus Baldwin County Sheriff's Department, et al, Civil Case No. 24-00234-TFM-N, U.S. Magistrate Judge Katherine Nelson, in an Order dated October 10, 2024 (Doc. 23), set forth the Limestone procedures Woodyard must follow in order to obtain a certified copy of the account statement needed for an IFP application. Per the Order, Woodyard is required to:

1. Request a copy of his inmate account statement on the correct form required by Limestone;
2. Give a completed copy of the IFP application to the Limestone business office with his request; and
3. Provide a stamped envelope, addressed to the Court, for the business office to use to mail his completed IFP application (with his certificate account statement) to the Court.

See Woodyard v. Baldwin County Sheriff's Department, et al, Civil Case No. 24-00234-TFM-N, (Doc. 23). Because it does not appear that Woodyard has followed the Limestone procedures, his IFP motion is **DENIED** without prejudice, and Woodyard is granted leave to follow the procedures set forth above.

The Clerk of Court is hereby **DIRECTED** to mail Woodyard a copy of his IFP form filed with this Court on November 19, 2024 (Doc. 6), and Woodyard is hereby **ORDERED** to submit the completed IFP form to the Limestone business office by **December 15, 2024**, along with a stamped envelope, addressed to the Court, for the business office to use to mail Woodyard's completed IFP motion (along with his certified account statement) to the Court.

The Clerk is also **DIRECTED** to send the Limestone Correctional Facility business office a copy of this order. The Warden of Limestone Correctional Facility is hereby **ORDERED** to designate and direct an authorized official in the Limestone Correctional Facility Business Office to:

(1) upon submission by Woodyard's of his IFP form, to complete the "Certificate" on Woodyard's IFP form;

(2) provide a financial statement reflecting all transactions in Woodyard's inmate account from March 2024 through the present;

and

(3) return Woodyard's completed IFP form (including the completed "Certificate" on page 5 of the motion form and Woodyard's

inmate financial statement) to this Court on or before **December 31, 2024.**

DONE this **25th** day of **November, 2024.**

 /s/ SONJA F. BIVINS
UNITED STATES MAGISTRATE JUDGE