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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

FELIX TORRES,

Plaintiff,

v.

JOSEPH M. ARPAIO,

Defendant.

) No. CV 07-0290-PHX-SMM (ECV)

) **ORDER**

_____)

On February 8, 2007, while confined in the Maricopa County Durango Jail, Plaintiff Felix Torres, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. #1) and an Application to Proceed *In Forma Pauperis*.

In a February 20, 2007 Order (Doc. #3), the Court granted the Application to Proceed, assessed the statutory filing fee for this action, dismissed the Complaint for failure to state a claim, and gave Plaintiff thirty (30) days to file an amended complaint that cured the deficiencies identified in the Order. The Court warned Plaintiff that a judgment of dismissal with prejudice would be entered if Plaintiff failed to file an amended complaint within thirty (30) days. On February 20, 2007, the Court also issued an Order (Doc. #4) to the Maricopa County Sheriff to collect the filing fee.

On April 6, 2007, the Clerk of Court entered Judgment (Doc. #5) because Plaintiff had not filed an amended complaint.

1 After Plaintiff was transferred out of the custody of the Maricopa County Sheriff, the
2 Court issued a May 15, 2007 fee payment Order (Doc. #7) requiring the Director of the
3 Arizona Department of Corrections to collect the balance of the filing fee from the inmate
4 trust account of Felix Torres, inmate #213810. On July 23, 2007, inmate #213810 filed a
5 letter with the Court (Doc. #9) indicating that he was not the Plaintiff in this action and that
6 funds were being deducted from his inmate trust fund account. In an August 13, 2007 Order
7 (Doc. #10), the Court construed the inmate's letter as a request to vacate the May 15th Order
8 and granted that request.

9 On October 14, 2008, Plaintiff filed a "Motion to Reinstate Previous Orders" (Doc.
10 #13), in which he requests that the Court "reinstate previous orders to pay remaining balance
11 of inmate filing fee." He claims he is the Felix Torres who is the Plaintiff in this action. To
12 the extent Plaintiff is requesting that the Court issue an order requiring him to pay the
13 remaining balance of his filing fee and requiring the Director of the Arizona Department of
14 Corrections to collect the filing fee from his inmate account, Plaintiff's Motion will be
15 granted. To the extent it seeks other relief, Plaintiff's Motion will be denied.

16 Accordingly,

17 **IT IS ORDERED:**

18 (1) Plaintiff's "Motion to Reinstate Previous Orders" (Doc. #13) is **GRANTED**
19 to the extent he seeks an order requiring him to pay the remaining balance of his filing fee
20 and requiring the Director of the Arizona Department of Corrections to collect the filing fee
21 from his inmate account. In all other respects, his Motion is **DENIED**.

22 (2) As required by the accompanying Order to the Director of the Arizona
23 Department of Corrections, the Director or her designee will be required to incrementally
24 collect the balance of the filing fee from Plaintiff's inmate trust account and forward
25 payments to the Clerk of Court.
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(3) This case must remain closed.

DATED this 17th day of October, 2008.



Stephen M. McNamee
United States District Judge