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

Jerrod Len B.B. Booth,
Plaintiff,
vs.
Director of D.O.C., et al.,
Defendants.

No. CV 09-2404-PHX-MHM (DKD)

ORDER

Plaintiff Jerrod Len B.B. Booth, who is confined in the Arizona State Prison Complex-Lewis, has filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. #1). Plaintiff has not paid the \$350.00 civil action filing fee or filed an Application to Proceed *In Forma Pauperis*. The Court will give Plaintiff 30 days to pay the fee or file a completed Application to Proceed *In Forma Pauperis* and a certified six-month trust account statement.

I. Payment of Filing Fee

When bringing an action, a prisoner must either pay the \$350.00 filing fee in a lump sum or, if granted the privilege of proceeding *in forma pauperis*, pay the fee incrementally as set forth in 28 U.S.C. § 1915(b)(1). An application to proceed *in forma pauperis* requires an affidavit of indigence and a *certified* copy of the inmate’s trust account statement for the six months preceding the filing of the Complaint. 28 U.S.C. § 1915(a)(2). An inmate must

1 submit statements from each institution where he was confined during the six-month period.
2 Id. To assist prisoners in meeting these requirements, the Court requires use of a form
3 application. LRCiv 3.4(a).

4 If a prisoner is granted leave to proceed *in forma pauperis*, the Court will assess an
5 initial partial filing fee of 20% of either the average monthly deposits or the average monthly
6 balance in Plaintiff's account, whichever is greater. 28 U.S.C. § 1915(b)(1). An initial
7 partial filing fee will only be collected when funds exist. 28 U.S.C. § 1915(b)(4). The
8 balance of the fee will be collected in monthly payments of 20% of the preceding month's
9 income credited to an inmate's account, each time the amount in the account exceeds \$10.00.
10 28 U.S.C. § 1915(b)(2).

11 **II. Failure to Comply With Statute**

12 Plaintiff has failed to comply with the provisions of 28 U.S.C. § 1915 by either paying
13 the \$350.00 civil action filing fee or filing an Application to Proceed *In Forma Pauperis* and
14 a certified six-month trust account statement. Accordingly, Plaintiff will be permitted 30
15 days to either pay the \$350.00 filing fee or file a completed Application to Proceed *In Forma*
16 *Pauperis* and a certified six-month trust account statement.

17 The Arizona Department of Corrections (ADOC) has notified the Court that a certified
18 trust fund account statement showing deposits and average monthly balances is available
19 from the ADOC's Central Office. Accordingly, Plaintiff must obtain the certified copy of
20 his trust fund account statement from the ADOC's Central Office.

21 **III. Warnings**

22 **A. Address Changes**

23 Plaintiff must file and serve a notice of a change of address in accordance with Rule
24 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
25 relief with a notice of change of address. Failure to comply may result in dismissal of this
26 action.

27 **B. Copies**

28 Plaintiff must submit an additional copy of every filing for use by the Court. See

1 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice
2 to Plaintiff.

3 **C. Possible Dismissal**

4 If Plaintiff fails to timely comply with every provision of this Order, including these
5 warnings, the Court may dismiss this action without further notice. See Ferdik v. Bonzelet,
6 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to
7 comply with any order of the Court).

8 **IT IS ORDERED:**

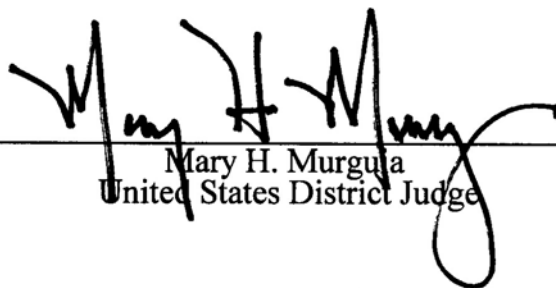
9 (1) Within **30 days** of the date this Order is filed, Plaintiff **must either** pay the
10 \$350.00 filing fee **or** file a completed Application to Proceed *In Forma Pauperis* and a
11 certified trust account statement from the ADOC's Central Office that covers the six-month
12 period immediately preceding the filing of the Complaint.

13 (2) **If** Plaintiff fails to either pay the \$350.00 filing fee or file a completed
14 Application to Proceed *In Forma Pauperis* within 30 days, the Clerk of Court must enter a
15 judgment of dismissal of this action without prejudice and without further notice to Plaintiff.

16 (3) The Clerk of the Court **must mail** Plaintiff a court-approved form for filing an
17 Application to Proceed *In Forma Pauperis* (Non-Habeas).

18 DATED this 21st day of March, 2010.

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Mary H. Murgula
United States District Judge