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NOT FOR PUBLICATION

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

Larry L. Moore,
Plaintiff,
vs.
Unknown Parties,
Defendant.

) No. CV 09-2595-PHX-GMS (JRI)

) **ORDER**

Pending before the Court in this closed case is a pleading entitled "Account: Verification Per Request" (Doc. 13). The Court will deny the request in the pleading to proceed *in forma pauperis* as moot.

I. Procedural Background

On December 11, 2009, Plaintiff Larry L. Moore, who is confined in the Arizona State Prison Complex-Safford, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. 1). Plaintiff did not pay the \$350.00 civil action filing fee but filed a deficient Application to Proceed *In Forma Pauperis* (Doc. 3). By Order filed December 22, 2009 (Doc. 4), the Court denied the Application to Proceed *In Forma Pauperis* without prejudice and gave Plaintiff 30 days to pay the fee or file a new, completed Application to Proceed *In Forma Pauperis* and a certified six-month trust account statement from the Central Office of the Arizona Department of Corrections (ADOC).

On December 31, 2009, Plaintiff filed a second Application to Proceed *In Forma*

1 *Pauperis* (Doc. 5) and an “Inmate Account Statement” (Doc. 6). Although Plaintiff filed the
2 second Application to Proceed *In Forma Pauperis* on the court-approved form, Plaintiff’s
3 Application to Proceed was deficient because the “Inmate Account Statement” filed with the
4 Application to Proceed did not appear to have been generated by the ADOC’s Central Office,
5 as required. Indeed, it was evident that the “Inmate Account Statement” was generated by
6 the Maricopa County Sheriff’s Office. Also, the “Inmate Account Statement” did not cover
7 the six months preceding the filing of the Complaint and had not been signed by an
8 authorized officer of the ADOC, as required.¹

9 Accordingly, by Order filed April 1, 2010 (Doc. 8), Plaintiff’s second Application to
10 Proceed *In Forma Pauperis* (Doc. 5) was denied without prejudice and Plaintiff was granted
11 one last chance to correct the deficiency. Plaintiff was given 30 days from the filing date of
12 the Order to pay the \$350.00 filing fee or file a completed, certified Application to Proceed
13 *In Forma Pauperis* and a certified six-month trust account statement from the ADOC’s
14 Central Office that covered the six-month period immediately preceding the filing of the
15 Complaint.

16 On April 9, 2010, Plaintiff filed a new Application to Proceed *In Forma Pauperis*
17 (Doc. 9). Although Plaintiff filed the Application to Proceed *In Forma Pauperis* on the
18 court-approved form, Plaintiff’s Application to Proceed was deficient because Plaintiff had
19 yet again failed to file a certified six-month trust account statement from the ADOC’s Central
20 Office that covered the six-month period immediately preceding the filing of the Complaint.

21 By Order filed June 4, 2010 (Doc. 11), the Court denied Plaintiff’s new Application
22 to Proceed *In Forma Pauperis* (Doc. 9) and dismissed the Complaint (Doc. 1) and this action
23 without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure
24 to comply with the Court’s Order filed April 1, 2010 (Doc. 8). Judgment was entered on
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26
27 ¹The “Inmate Account Statement” covered the period of time from January 24, 2009,
28 until August 11, 2009. However, Plaintiff’s Complaint (Doc. 1) was not filed until
December 11, 2009, almost five months after the date of the “Inmate Account Statement.”

1 June 4, 2010 (Doc. 12).

2 **II. Request to Proceed *In Forma Pauperis***

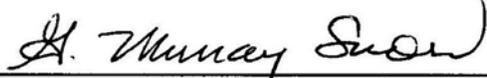
3 On June 15, 2010, Plaintiff filed a pleading entitled "Account: Verification Per
4 Request" (Doc. 13). Attached to the pleading is copy of an "Inmate Letter" and a copy of
5 a "Certified Statement Of Account." In his pleading, Plaintiff indicates that he is forwarding
6 a copy of his "six month verification" to the Court "to proceed *in forma pauperis*." Because
7 this action has been dismissed and judgment has been entered, Plaintiff's request to proceed
8 *in forma pauperis* will be denied as moot.

9 **IT IS ORDERED:**

10 (1) Plaintiff's request in his pleading entitled "Account: Verification Per Request"
11 (Doc. 13) to proceed *in forma pauperis* is **denied as moot**.

12 (2) This case must **remain closed**.

13 DATED this 2nd day of August, 2010.

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16 _____
G. Murray Snow
United States District Judge