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

Jermaine Jordan,  
Plaintiff,  
vs.  
Arizona Department of Corrections, et al.,  
Defendants.

No. CV 10-589-PHX-MHM (LOA)

**ORDER**

Plaintiff Jermaine Jordan, 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 and an Application to Proceed *In Forma Pauperis*. On April 7, 2010, the Court denied the Application to Proceed with leave to re-file. On April 26, 2010, Plaintiff filed a new, deficient Application to Proceed. The Court will give Plaintiff 30 days to pay the fee or file a completed Application to Proceed *In Forma Pauperis* and 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

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1 six months preceding the filing of the Complaint. 28 U.S.C. § 1915(a)(2). An inmate must  
2 submit statements from each institution where he was confined during the six-month period.  
3 Id. To assist prisoners in meeting these requirements, the Court requires use of a form  
4 application. LRCiv 3.4(a).

5 If a prisoner is granted leave to proceed *in forma pauperis*, the Court will assess an  
6 initial partial filing fee of 20% of either the average monthly deposits or the average monthly  
7 balance in Plaintiff’s account, whichever is greater. 28 U.S.C. § 1915(b)(1). An initial  
8 partial filing fee will only be collected when funds exist. 28 U.S.C. § 1915(b)(4). The  
9 balance of the fee will be collected in monthly payments of 20% of the preceding month’s  
10 income credited to an inmate’s account, each time the amount in the account exceeds \$10.00.  
11 28 U.S.C. § 1915(b)(2).

12 **II. Application Fails to Comply With Statute**

13 Plaintiff has used the court-approved form, but the “Certificate of Correctional  
14 Official as to Status of Applicant’s Trust Account” section is again not completed, and  
15 Plaintiff has not submitted a certified six-month trust account statement. In light of these  
16 deficiencies, Plaintiff will be permitted 30 days to either pay the \$350.00 filing fee or file a  
17 complete Application to Proceed *In Forma Pauperis* and certified six-month trust account  
18 statement.

19 Although Plaintiff attached a printout of his Arizona Department of Corrections  
20 (“ADOC”) inmate bank account statement to his Application to Proceed, the printout is not  
21 certified by an authorized officer of the institution and does not show deposits and average  
22 monthly balances, as required. ADOC has notified the Court that a certified trust fund  
23 account statement showing deposits and average monthly balances is available from the  
24 ADOC’s Central Office. *Accordingly, Plaintiff must obtain the certified copy of his ADOC*  
25 *trust fund account statement for the six months immediately preceding the filing of the*  
26 *Complaint from the ADOC’s Central Office.*

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1 **III. Warnings**

2 **A. Address Changes**

3 Plaintiff must file and serve a notice of a change of address in accordance with Rule  
4 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other  
5 relief with a notice of change of address. Failure to comply may result in dismissal of this  
6 action.

7 **B. Copies**

8 Plaintiff must submit an additional copy of every filing for use by the Court. See  
9 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice  
10 to Plaintiff.

11 **C. Possible Dismissal**

12 If Plaintiff fails to timely comply with every provision of this Order, including these  
13 warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*,  
14 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to  
15 comply with any order of the Court).

16 **IT IS ORDERED:**

17 (1) Plaintiff's Application to Proceed *In Forma Pauperis* (Doc. #6) is **denied**  
18 **without prejudice.**

19 (2) Within 30 days of the date this Order is filed, Plaintiff must either pay the  
20 \$350.00 filing fee **or** file a completed Application to Proceed *In Forma Pauperis* and a  
21 certified six-month trust account statement **from the ADOC's Central Office.**

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

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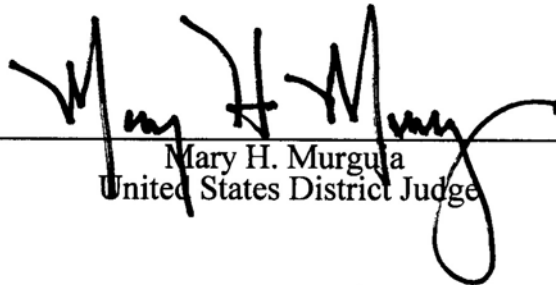
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1 (4) The Clerk of the Court must mail Plaintiff a court-approved form for filing  
2 an Application to Proceed *In Forma Pauperis* (Non-Habeas).

3 DATED this 17<sup>th</sup> day of May, 2010.

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Mary H. Murgula  
United States District Judge