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

Reginaldo Navaro Salinas,

Plaintiff,

vs.

Rodriguez, et al.,

Defendants.

) No. CV 10-1625-PHX-RCB (ECV)

) **ORDER**

Plaintiff Reginaldo Navaro Salinas, who is confined in the Maricopa County Fourth Avenue Jail, 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 but has filed a deficient Application to Proceed *In Forma Pauperis* (Doc. 3) and an “Inmate Account Statement” (Doc. 4). The Court will deny the Application to Proceed *In Forma Pauperis* without prejudice and give Plaintiff 30 days to pay the fee or file a new, completed Application to Proceed *In Forma Pauperis*.

**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

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. Deficient Application**

13 Plaintiff has used the court-approved Application to Proceed *In Forma Pauperis* form  
14 but Plaintiff has not dated and signed the "Consent To Collection Of Fees From Trust  
15 Account" section of the form. In light of this deficiency, Plaintiff's Application to Proceed  
16 *In Forma Pauperis* (Doc. 3) will be denied without prejudice and Plaintiff will be permitted  
17 30 days from the filing date of this Order to either pay the \$350.00 filing fee or file a new,  
18 completed Application to Proceed *In Forma Pauperis*. Because Plaintiff has sent in an  
19 "Inmate Account Statement" (Doc. 4), he will not be required to send another one.

## 20 **III. Warnings**

### 21 **A. Address Changes**

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

### 26 **B. Copies**

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

1 to Plaintiff.

2 **C. Possible Dismissal**

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

7 **IT IS ORDERED:**

8 (1) Plaintiff's Application to Proceed *In Forma Pauperis* (Doc. 3) is **denied**  
9 **without prejudice.**

10 (2) Within **30 days** of the date this Order is filed, Plaintiff **must either** pay the  
11 \$350.00 filing fee **or** file a new, completed Application to Proceed *In Forma Pauperis*.

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

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

17 DATED this 15th day of August, 2010.

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21 Robert C. Broomfield  
22 Senior United States District Judge  
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