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NOT FOR PUBLICATION

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

Steven Ho,  
Plaintiff,  
vs.  
Ben Griego, et al.,  
Defendants.

No. CV 10-1864-PHX-GMS (MEA)

**ORDER**

**I. Procedural History**

On August 30, 2010, Plaintiff Steven Ho, who is confined in the Corrections Corporation of America’s Saguaro Correctional Center in Eloy, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 and an incomplete Application to Proceed *In Forma Pauperis*. In a September 9, 2010 Order, the Court denied the Application to Proceed and gave Plaintiff 30 days to either pay the filing fee or file a complete Application to Proceed *In Forma Pauperis* and certified six-month trust account statement.

On September 16, 2010, Plaintiff filed a second, incomplete Application to Proceed *In Forma Pauperis*. In an October 7, 2010 Order, the Court denied the Application to Proceed because Plaintiff did not sign the “Consent to Collection of Fees from Trust Account” section and Plaintiff did not submit a certified six-month trust account statement. The Court gave Plaintiff 30 days to either pay the filing fee or file a new Application to Proceed *In Forma Pauperis*.

1 On October 13, 2010, Plaintiff filed a third incomplete Application to Proceed *In*  
2 *Forma Pauperis*. On October 15, 2010, Plaintiff filed a Motion for Extension of Time to file  
3 a new Application to Proceed. In an October 20, 2010 Order, the Court denied the deficient  
4 third Application to Proceed because Plaintiff again did not sign the “Consent to Collection  
5 of Fees from Trust Account” section and Plaintiff did not submit a certified six-month trust  
6 account statement. The Court granted the Motion for Extension of Time and gave Plaintiff  
7 30 days to either pay the filing fee or file a complete Application to Proceed *In Forma*  
8 *Pauperis*.

9 On October 29, 2010, Plaintiff filed a fourth, incomplete Application to Proceed *In*  
10 *Forma Pauperis* (Doc. 10). Like its predecessors, it is deficient.

11 **II. Application to Proceed *In Forma Pauperis* Fails to Comply With Statute**

12 Plaintiff’s current Application to Proceed *In Forma Pauperis* (Doc. 10) is on the  
13 current, court-approved form. However, as with Plaintiff’s three previous Applications,  
14 Plaintiff still has not submitted a certified six-month trust account statement. In light of this  
15 deficiency, the Court will deny the Application to Proceed.

16 Because Plaintiff has repeatedly failed to comply with the Court’s Orders that he  
17 submit a complete, certified Application to Proceed and a certified account statement, this  
18 action will be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for  
19 failure to comply with a Court Order. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th  
20 Cir. 1992) (stating a district court may dismiss action for failure to comply with any order  
21 of the court).

22 **IT IS ORDERED:**

23 (1) Plaintiff’s October 29, 2010 Application to Proceed *In Forma Pauperis*  
24 (Doc. 10) is **denied**.

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