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

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Ammiel Cornish,

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No. CV 10-2433-PHX-RCB (ECV)

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Plaintiff,

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**ORDER**

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vs.

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Corrections Corporation of America,

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Defendant.

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On October 29, 2010, Plaintiff Ammiel Cornish, who is confined in the Central Arizona Detention Center in Florence, Arizona, filed a *pro se* civil rights Complaint (Doc. 1) in the United States District Court for the Eastern District of California. By Order filed November 10, 2010 (Doc. 3), the Eastern District of California Court transferred Plaintiff's case (10-CV-2921-CMK) to this Court. On November 10, 2010, this action was received from the Eastern District of California Court and assigned to the undersigned Judge (Doc. 5).

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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.

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**I. Payment of Filing Fee**

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When bringing an action, a prisoner must either pay the \$350.00 filing fee in a lump

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1 sum or, if granted the privilege of proceeding *in forma pauperis*, pay the fee incrementally  
2 as set forth in 28 U.S.C. § 1915(b)(1). An application to proceed *in forma pauperis* requires  
3 an affidavit of indigence and a *certified* copy of the inmate's trust account statement for the  
4 six months preceding the filing of the Complaint. 28 U.S.C. § 1915(a)(2). An inmate must  
5 submit statements from each institution where he was confined during the six-month period.  
6 Id. To assist prisoners in meeting these requirements, the Court requires use of a form  
7 application. LRCiv 3.4(a).

8 If a prisoner is granted leave to proceed *in forma pauperis*, the Court will assess an  
9 initial partial filing fee of 20% of either the average monthly deposits or the average monthly  
10 balance in Plaintiff's account, whichever is greater. 28 U.S.C. § 1915(b)(1). An initial  
11 partial filing fee will only be collected when funds exist. 28 U.S.C. § 1915(b)(4). The  
12 balance of the fee will be collected in monthly payments of 20% of the preceding month's  
13 income credited to an inmate's account, each time the amount in the account exceeds \$10.00.  
14 28 U.S.C. § 1915(b)(2).

## 15 **II. Failure to Comply With Statute**

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

## 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 that covers the six-month period immediately preceding the  
12 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** to Plaintiff a court-approved form for filing  
17 an Application to Proceed *In Forma Pauperis* (Non-Habeas).

18 DATED this 30th day of November, 2010.

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22 Robert C. Broomfield  
23 Senior United States District Judge  
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