

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WO

SC

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

Christopher Stoller,
Plaintiff,

vs.
Bank of New York Mellon Trust Co., et
al.,
Defendants.

No. CV 11-2454-PHX-GMS (JFM)

ORDER

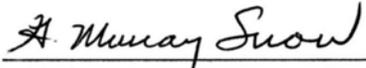
Plaintiff Christopher Stoller, who is incarcerated in the Dixon Correctional Center in Dixon, Illinois, commenced this action in the Central District of Illinois.¹ That Court transferred the action to this District based on venue. (Doc. 1, 2.) In an Order filed on January 3, 2012, the Court denied Plaintiff’s motion to proceed *in forma pauperis* and a motion for a temporary restraining order. (Doc. 16.) Additionally, the Court ordered Plaintiff to show cause within 30 days why this action should not be dismissed based on his lack of the capacity to commence this action and, if he did so, to either pay the filing fee or file a completed Application to Proceed *In Forma Pauperis* (Non-Habeas) on this District’s

¹ Plaintiff is a “prisoner” within the meaning of the Prison Litigation Reform Act (PLRA) because he was a prisoner at the time he commenced this action. That is, Plaintiff was a “person incarcerated or detained in any facility” who had been convicted and sentenced for violations of criminal law. 28 U.S.C. § 1915(h); 42 U.S.C. § 1997e(h). As a consequence, this case is subject to requirements under the PLRA and this action is subject to screening by the Court. 28 U.S.C. § 1915A.

1 approved form. (Id.) Because it appears that Plaintiff lacked the capacity to commence this
2 action and he had not filed an application to proceed *in forma pauperis* on this District's
3 approved form for use by prisoners, the Court denied his motion for injunctive relief.
4 Plaintiff has filed a notice of interlocutory appeal and a motion for leave to proceed *in forma*
5 *pauperis* on appeal. (Doc. 19, 21.) The Court will grant his motion to proceed *in forma*
6 *pauperis* on appeal.

7 **IT IS ORDERED** that Plaintiff's motion for leave to appeal *in forma pauperis* is
8 **granted.** (Doc. 21.)

9 DATED this 13th day of January, 2012.

10
11 
12 _____
13 G. Murray Snow
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28