

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

KM

**WO**

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

Rory Mara,	)	No. CV 12-46-PHX-DGC (ECV)
Plaintiff,	)	<b>ORDER</b>
vs.	)	
Corrections Corporation of America, et al.,	)	
Defendants.	)	

Plaintiff Rory Mara, who is confined in the Corrections Corporation of America-Saguaro Correctional Center, 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 January 31, 2012 Order, the Court denied the Application to Proceed with leave to re-file.

On January 23, 2012, Plaintiff filed a Motion for Appointment of Counsel (Doc. 4). On February 22, 2012, Plaintiff filed a new, deficient Application to Proceed (Doc. 6). In an April 10, 2012 Order, the Court denied the Motion for Appointment of Counsel, denied the new Application to Proceed, and gave Plaintiff 30 days to pay the filing fee or file a complete Application to Proceed.

On April 26, 2012, Plaintiff filed a new Motion for Appointment of Counsel (Doc. 8). On May 9, 2012, Plaintiff filed a third, deficient, Application to Proceed *In Forma Pauperis* (Doc. 9).

1 In both the January 31, 2012 and April 10, 2012 Orders, the Court explained that  
2 pursuant 28 U.S.C. § 1915(a)(2), Plaintiff's Application to Proceed *In Forma Pauperis* must  
3 include a certified trust account statement for the six months preceding the filing of the  
4 Complaint.

5 Plaintiff's third Application to Proceed does not include a certified six-month trust  
6 account statement. In this case, the Court has twice provided Plaintiff with instructions for  
7 filing a proper Application to Proceed *In Forma Pauperis*. Plaintiff has also filed thirteen  
8 other lawsuits with this Court, each with at least one deficient Application to Proceed *In*  
9 *Forma Pauperis*. In each of those cases, the Court has also provided Plaintiff with  
10 instructions for filing an Application to Proceed *In Forma Pauperis*. Plaintiff has received  
11 26 Orders from this Court with instructions for complying with the *in forma pauperis* statute.  
12 Plaintiff appears unwilling or unable to do so.

13 Plaintiff was also explicitly warned in each of the Court's Orders that failure to  
14 comply with a Court order would result in dismissal of the action. The Court will dismiss  
15 this action, without prejudice, for failure to comply with a Court order. See *Ferdik v.*  
16 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992). The Court will deny as moot the Motion  
17 for Appointment of Counsel.

18 **IT IS ORDERED:**

19 (1) Plaintiff's May 9, 2012 Application to Proceed *In Forma Pauperis* (Doc. 9) is  
20 **denied**.

21 (2) This action is **dismissed without prejudice** for failure to comply with a Court  
22 order. The Clerk of Court must close the case and enter judgment.

23 (3) Plaintiff's April 26, 2012 Motion for Appointment of Counsel (Doc. 8) is  
24 **denied** as moot.

25 DATED this 4<sup>th</sup> day of June, 2012.

26  
27 

28  
\_\_\_\_\_  
David G. Campbell  
United States District Judge