

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 12-086-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 February 22, 2012, Plaintiff filed a new, deficient Application to Proceed. In an April 10, 2012 Order, the Court denied the new Application to Proceed, and gave Plaintiff 30 days to pay the filing fee or file a complete Application to Proceed.

On May 4, 2012, Plaintiff filed a Motion for Appointment of Counsel (Doc. 7). On May 9, 2012, Plaintiff filed a third, deficient, Application to Proceed *In Forma Pauperis* (Doc. 8).

In both the February 22, 2012 and April 10, 2012 Orders, the Court explained that pursuant 28 U.S.C. § 1915(a)(2), Plaintiff’s Application to Proceed *In Forma Pauperis* must

1 include a certified trust account statement for the six months preceding the filing of the  
2 Complaint. Plaintiff's third Application to Proceed does not include a certified six-month  
3 trust account statement.

4 The Court has twice provided Plaintiff with instructions for filing a proper Application  
5 to Proceed *In Forma Pauperis*. Plaintiff has also filed thirteen other lawsuits with this Court,  
6 each with at least one deficient Application to Proceed *In Forma Pauperis*. In each of those  
7 cases, the Court has also provided Plaintiff with instructions for filing an Application to  
8 Proceed *In Forma Pauperis*. Plaintiff has received 26 Orders from this Court with  
9 instructions for complying with the *in forma pauperis* statute. Plaintiff appears unwilling or  
10 unable to do so.

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

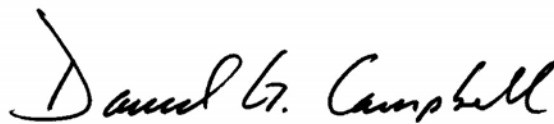
16 **IT IS ORDERED:**

17 (1) Plaintiff's May 9, 2012 Application to Proceed *In Forma Pauperis* (Doc. 8) is  
18 **denied**.

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

21 (3) Plaintiff's April 17, 2012 Motion for Appointment of Counsel (Doc. 7) is  
22 **denied** as moot.

23 DATED this 2<sup>nd</sup> day of July, 2012.

24  
25 

26  
27 

---

David G. Campbell  
United States District Judge