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

Richard LeGrand Gause,)	No. CV 12-1439-PHX-RCB (MEA)
Plaintiff,)	
vs.)	ORDER TO SHOW CAUSE
M. Mullen, et al.,)	
Defendants.)	

In July 2012, Plaintiff Richard LeGrand Gause, who was then an inmate at the Fourth Avenue Jail in Phoenix, Arizona, filed a pro se Complaint pursuant to 42 U.S.C. § 1983 (Doc. 1).¹ He alleged that City of Mesa Police Officers Michael Mullen and Christopher Beauford used excessive force during the course of Plaintiff’s arrest (Doc. 13). Defendants have filed a Motion for Summary Judgment, which is under consideration (Doc. 37).

Before ruling on the summary judgment motion, the Court will order Plaintiff to pay the statutory filing fee or show cause why he has not paid the balance of his filing fee.

I. Outstanding Filing Fee

When Plaintiff filed this action, the Court granted him *in forma pauperis* status and assessed the statutory filing fee of \$350.00 (Doc. 5). Plaintiff was cautioned that in the event of his release, he would be required to pay the balance of the filing fee within 120 days or show cause why he cannot pay (*id.* at 6).

¹Shortly after initiating this action, Plaintiff was transferred to the custody of the Arizona Department of Corrections (Doc. 8).

1 On March 6, 2013, Plaintiff filed a Notice of Change of Address indicating that he
2 was no longer incarcerated (Doc. 35). To date, Plaintiff owes the full \$350.00 filing fee.


3 Although more than 120 days have passed since the date of Plaintiff's release, the
4 Court will provide him 30 days to either pay the \$350.00 filing fee or file a "Response" to
5 this Order. Plaintiff's Response must either promise to pay the unpaid balance within 30
6 days from the date of this Order or show good cause why he cannot pay the outstanding
7 balance of the filing fee. Plaintiff's Response must be made under penalty of perjury. See
8 28 U.S.C. § 1746 (oath requirement may be satisfied when a person declares under penalty
9 of perjury that the submission is true and correct and signs and dates the document).

10 **II. Warning**

11 If Plaintiff fails to timely comply with this Order to Show Cause, the Court may
12 dismiss this action without further notice. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61
13 (9th Cir. 1992) (a district court may dismiss an action for failure to comply with any order
14 of the Court).

15 **IT IS ORDERED** that **within 30 days** from the date of this Order, Plaintiff must
16 either pay the \$350.00 filing fee **or** file a Response showing good cause why he cannot pay
17 the filing fee.

18 DATED this 30th day of July.

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22 _____
23 Robert C. Broomfield
24 Senior United States District Judge
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