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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Donald Cory Dehar, Plaintiff, vs. David Knight, Defendant.	No. CV 12-2190-PHX-RCB (MHB) **O R D E R**

Plaintiff Donald Cory Dehar, who is confined in the Arizona State Prison Complex-Lewis, Barchey Unit, in Buckeye, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 in the District Court for the Eastern District of Michigan. That Court transferred the case to this District based on venue because Plaintiff's claim concerned an assault by an Arizona prison officer at the Lewis Complex. (Doc. 3.) Because Plaintiff had not filed an Application to Proceed *In Forma Pauperis* or paid the $350.00 filing fee, the Court granted him 30 days to pay the fee or file a complete Application to Proceed *In Forma Pauperis*. (Doc. 6.) On December 3, 2012, Plaintiff filed a motion for extension of time. (Doc. 8.) On December 10, 2012, the Court granted Plaintiff an additional 30 days to comply with its prior Order.[1] (Doc. 9.) When Plaintiff failed to either pay the filing fee or file an Application to Proceed *In Forma Pauperis*, the case was dismissed without prejudice and judgment entered on January 25, 2013. (Doc. 9, 10.)

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[1] The Court informed Plaintiff that if he was unable to comply with the Court's prior Order due to the act or omissions of others, he had to file a declaration signed under penalty of perjury setting forth facts to support why he was unable to comply. (Doc. 9 at 2.)

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On October 15, 2013, Plaintiff filed a one page statement concerning his inability to obtain a copy of his *commissary* account balance signed under penalty of perjury with a portion of an *in forma pauperis* application, a copy of an order issued by the District Court for the Eastern District of Michigan, a portion of a copy of a Notice of Post-Conviction Relief filed in Mohave County Superior Court, a copy of a letter sent to Plaintiff by post-conviction counsel, a Mohave County Information Sheet, a Corrections Inmate Informal Complaint Resolution dated October 1, 2013, a birth certificate, and a Corrections Health Needs Request.

To the extent that Plaintiff is belatedly attempting to comply with the Order issued December 10, 2012, his filing is insufficient. Plaintiff fails to set forth facts to support that he was unable comply with the Court's December 10, 2012 Order. To the extent that Plaintiff is attempting to seek other relief, such relief will be denied. Judgment in this case was entered more than ten months ago and *this* case is closed.

IT IS ORDERED that to the extent that Plaintiff seeks any relief in his filing of October 15, 2013, doc. 11, such relief is **denied**.

DATED this 28th day of October, 2013.

Robert C. Broomfield
Senior United States District Judge