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

9 Said Ali Hassan,

No. CV 12-2306-PHX-RCB (LOA)

10 Plaintiff,

11 vs.

**ORDER**

12 Charles R. Ryan, et al.,

13 Defendants.  
14

15 On October 29, 2012, Plaintiff Said Ali Hassan, who was formerly confined in the  
16 Arizona State Prison Complex-Yuma, filed a *pro se* civil rights Complaint pursuant to 42  
17 U.S.C. § 1983 and an Application to Proceed *In Forma Pauperis*. In a November 19,  
18 2012 Order, the Court granted the Application to Proceed, assessed the statutory filing  
19 fee of \$350,000, and gave Plaintiff 30 days to either pay the filing fee or show cause why  
20 he cannot pay.

21 On December 7, 2012, Plaintiff filed a "Motion to Show Cause" (Doc. 8). In his  
22 Motion, Plaintiff states that he has been living in a halfway house, is indigent, and has  
23 been looking for work. Plaintiff requests 120 days to pay the filing fee and states that he  
24 will make four incremental payments to pay the filing fee.

25 If Plaintiff were still a prisoner, the Court would order Plaintiff's custodian to  
26 periodically withdraw funds from Plaintiff's inmate account according to the statutory  
27 formula in 28 U.S.C. § 1915(b)(2) until the filing fee was paid in full. However, because  
28 Plaintiff is no longer in custody, and therefore does not have a prison account, he cannot

1 avail himself of the partial payment provisions of 28 U.S.C. § 1915(b)(1), (2). The  
2 statute makes no other provision for incremental collection of the fee. Thus, although the  
3 Court, in its discretion, will grant Plaintiff an extension of time to pay the filing fee,  
4 Plaintiff must pay the filing fee in its entirety at that point, or show good cause why he  
5 cannot pay the filing fee. Moreover, the Court finds that a 120-day extension of time is  
6 unreasonably long. The Court will give Plaintiff a 60-day extension of time to pay the  
7 filing fee or show good cause why he cannot pay the filing fee.

8 Plaintiff is advised that even after he pays the filing fee, the Court is required to  
9 screen complaints brought by prisoners seeking relief against a governmental entity or an  
10 officer or an employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must  
11 dismiss a complaint or portion thereof if the plaintiff has raised claims that are legally  
12 frivolous or malicious, that fail to state a claim upon which relief may be granted, or that  
13 seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.  
14 § 1915A(b)(1), (2).

15 If Plaintiff fails to timely comply with every provision of this Order, the Court  
16 may dismiss this action without further notice. *See Ferdik v. Bonzelet*, 963 F.2d 1258,  
17 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to comply with  
18 any order of the Court).

19 **IT IS ORDERED:**

20 (1) Plaintiff's "Motion to Show Cause" (Doc. 8) is **granted in part** to the  
21 extent he seeks an extension of time to pay the filing fee and **denied in part** to the extent  
22 he seeks a 120-day extension of time and seeks to make incremental payments of the  
23 filing fee.

24 (2) Within **60 days** from the date this Order is filed, Plaintiff must either pay  
25 the \$350.00 filing fee **or** show cause why he cannot pay the filing fee.

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28 . . . .

1 (3) If Plaintiff fails to pay the filing fee **or** show cause why he cannot pay  
2 within 60 days, the Clerk of Court must enter a judgment of dismissal of this action  
3 without prejudice.

4 DATED this 19th day of March, 2013.

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7 Robert C. Broomfield  
8 Senior United States District Judge  
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