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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Aaron Dwayne Kelly,
10 Plaintiff,

11 vs.

12 Director Charles Ryan, et al.,
13 Defendants.
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No. CV 14-0241-PHX-SMM (LOA)

ORDER TO SHOW CAUSE

15 On February 7, 2014, Plaintiff Aaron Dwayne Kelly, while confined in the
16 Arizona State Prison Complex-Eyman, filed a *pro se* civil rights Complaint pursuant to
17 42 U.S.C. § 1983 and an Application to Proceed *In Forma Pauperis*. The Court granted
18 Plaintiff leave to proceed *in forma pauperis* and assessed the statutory filing fee of
19 \$350.00. (Doc. 11). Plaintiff was cautioned that in the event of his release, he would be
20 required to pay the balance of the filing fee within 120 days or show cause within 30 days
21 why he cannot pay.

22 On May 9, 2014, Plaintiff filed a Notice of Change of Address (Doc. 17)
23 indicating he would be released from custody on June 25, 2014. Currently, Plaintiff owes
24 \$350.00 towards the fee.

25 Accordingly, Plaintiff will be given 30 days from the date this Order is filed to
26 either pay the \$350.00 balance of the filing fee or file a "Response" to this Order.
27 Plaintiff's Response must state the date of his release and must either promise to pay the
28 unpaid balance of the filing fee within 120 days from the date of his release **or** show

1 good cause why he cannot pay the outstanding balance of the filing fee. Plaintiff's
2 Response must be made under penalty of perjury. See 28 U.S.C. § 1746 (oath
3 requirement may be satisfied when a person declares under penalty of perjury that the
4 submission is true and correct and signs and dates the document).

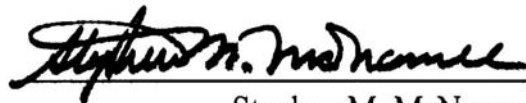
5 If Plaintiff fails to timely comply with every provision of this Order, the Court
6 may dismiss this action without further notice. See *Ferdik v. Bonzelet*, 963 F.2d 1258,
7 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to comply with
8 any order of the Court).

9 **IT IS ORDERED:**

10 (1) Within **30 days** from the date this Order is filed, Plaintiff must either pay
11 the \$350.00 balance of the \$350.00 filing fee **or** file a Response as described above.

12 (2) If Plaintiff fails to pay the balance of the filing fee **or** file a Response to this
13 Order within 30 days, the Clerk of Court must enter a judgment of dismissal of this action
14 without prejudice.

15 DATED this 31st day of July, 2014.

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20 Stephen M. McNamee
21 Senior United States District Judge
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