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

Donald C. Dehar,)	No. CV 10-8046-PCT-RCB (MHB)
Plaintiff,)	ORDER
vs.)	
Sheriff Tom Sheahan, et al.,)	
Defendants.)	

On March 29, 2010, Plaintiff Donald C. Dehar, who is confined in the Mohave County Jail in Kingman, Arizona, filed a *pro se* a document captioned “Mandamus.” (Doc.# 1.)¹ The Clerk of Court opened a civil case to facilitate consideration of this document, which the Court construes as a prisoner civil rights complaint pursuant to 42 U.S.C. § 1983. ² Plaintiff has not paid the \$350.00 civil action filing fee or filed an Application to Proceed *In Forma Pauperis*. The Court will give Plaintiff 30 days to pay the fee or file a completed Application to Proceed *In Forma Pauperis*.

I. Payment of Filing Fee

When bringing an action, a prisoner must either pay the \$350.00 filing fee in a lump sum or, if granted the privilege of proceeding *in forma pauperis*, pay the fee incrementally

¹ “Doc.#” refers to the docket number of filings in this case.

² Two previous cases filed by Plaintiff have been dismissed. See Dehar v. Turner, No. CV09-8205-PCT-RCB (MHB) (D. Ariz. Feb. 19, 2010), and Dehar v. Davis, No. CV09-8194-PCT-RCB (MHB) (D. Ariz. Jan. 7, 2010).

1 as set forth in 28 U.S.C. § 1915(b)(1). An application to proceed *in forma pauperis* requires
2 an affidavit of indigence and a *certified* copy of the inmate’s trust account statement for the
3 six months preceding the filing of the Complaint. 28 U.S.C. § 1915(a)(2). An inmate must
4 submit statements from each institution where he was confined during the six-month period.
5 Id. To assist prisoners in meeting these requirements, the Court requires use of a form
6 application. LRCiv 3.4(a).

7 If a prisoner is granted leave to proceed *in forma pauperis*, the Court will assess an
8 initial partial filing fee of 20% of either the average monthly deposits or the average monthly
9 balance in Plaintiff’s account, whichever is greater. 28 U.S.C. § 1915(b)(1). An initial
10 partial filing fee will only be collected when funds exist. 28 U.S.C. § 1915(b)(4). The
11 balance of the fee will be collected in monthly payments of 20% of the preceding month’s
12 income credited to an inmate’s account, each time the amount in the account exceeds \$10.00.
13 28 U.S.C. § 1915(b)(2).

14 **II. Failure to Pay Fee or File an Application to Proceed *In Forma Pauperis***

15 Plaintiff has not paid the \$350.00 filing fee or submitted the court-approved form to
16 proceed *in forma pauperis*. To proceed *in forma pauperis* without pre-payment of the filing
17 fee, Plaintiff must complete and submit the court-approved form. He must complete the
18 “Consent to Collection of Fees from Trust Account” section on page 2 of the approved form.
19 In addition, he must have the “Certificate of Correctional Official as to Status of Applicant’s
20 Trust Account” section completed and submit a certified six-month trust account statement.
21 Plaintiff will be permitted 30 days to either pay the \$350.00 filing fee or file a complete
22 Application to Proceed *In Forma Pauperis*.

23 **III. Warnings**

24 **A. Address Changes**

25 Plaintiff must file and serve a notice of a change of address in accordance with Rule
26 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
27 relief with a notice of change of address. Failure to comply may result in dismissal of this
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1 action.

2 **B. Copies**

3 Plaintiff must submit an additional copy of every filing for use by the Court. See
4 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice
5 to Plaintiff.

6 **C. Possible Dismissal**

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

11 **IT IS ORDERED:**

12 (1) Within 30 days of the date this Order is filed, Plaintiff must either pay the
13 \$350.00 filing fee **or** file a completed Application to Proceed *In Forma Pauperis* and a
14 certified six-month trust account statement.

15 (2) If Plaintiff fails to either pay the \$350.00 filing fee or file a completed
16 Application to Proceed *In Forma Pauperis* within 30 days, the Clerk of Court must enter a
17 judgment of dismissal of this action without prejudice and without further notice to Plaintiff.

18 (3) The Clerk of the Court must mail Plaintiff a court-approved form for filing an
19 Application to Proceed *In Forma Pauperis* (Non-Habeas).

20 DATED this 28th day of April, 2010.

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24 Robert C. Broomfield
25 Senior United States District Judge
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