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

Kyle Matthew Thompson,
Plaintiff,

No. CV 13-8198-PCT-RCB (JFM)

vs.

ORDER

Unknown Hickey, et al.,
Defendants.

Plaintiff Kyle Matthew Thompson, who is confined in the Mohave County Jail in Kingman, Arizona, has filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 and an Application to Proceed *In Forma Pauperis* (Doc. 2). The Court will deny the deficient Application to Proceed and will give Plaintiff 30 days to pay the filing and administrative fees or file a complete 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 and a \$50.00 administrative fee in a lump sum or, if granted the privilege of proceeding *in forma pauperis*, pay the \$350.00 filing fee¹ incrementally as set forth in 28 U.S.C. § 1915(b)(1). An application to proceed *in forma pauperis* requires an affidavit of

¹ Effective May 1, 2013, the Clerks of Court for the United States District Courts are required to collect a \$50.00 administrative fee for the filing of a civil action, suit, or proceeding in a district court. See Judicial Conference Schedule of Fees, District Court Miscellaneous Fee Schedule ¶14 (effective May 1, 2013), foll. 28 U.S.C. § 1914. However, the administrative fee “does not apply to applications for a writ of habeas corpus or to persons granted *in forma pauperis* status under 28 U.S.C. § 1915.” *Id.*

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

6 If a prisoner is granted leave to proceed *in forma pauperis*, the Court will assess an
7 initial partial filing fee of 20% of either the average monthly deposits or the average
8 monthly balance in Plaintiff’s account, whichever is greater. 28 U.S.C. § 1915(b)(1). An
9 initial partial filing fee will only be collected when funds exist. 28 U.S.C. § 1915(b)(4).
10 The balance of the \$ 350.00 filing fee will be collected in monthly payments of 20% of
11 the preceding month’s income credited to an inmate’s account, each time the amount in
12 the account exceeds \$10.00. 28 U.S.C. § 1915(b)(2).

13 **II. Application Fails to Comply With Statute**

14 Plaintiff has submitted only the first page of the court-approved form. Plaintiff
15 has not submitted the second page which contains the “Consent to Collection of Fees
16 from Trust Account” section and the “Certificate of Correctional Official as to Status of
17 Applicant’s Trust Account” section. Both of these sections must be filled out, signed,
18 and dated. Also, Plaintiff has not submitted a certified six-month trust account statement.
19 In light of these deficiencies, the Court will deny the Application to Proceed and will give
20 Plaintiff 30 days to either pay the \$400.00 filing and administrative fees or file a
21 complete Application to Proceed *In Forma Pauperis*.

22 **III. Warnings**

23 **A. Address Changes**

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

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B. Copies

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

C. Possible Dismissal

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

IT IS ORDERED:


(1) Plaintiff's Application to Proceed *In Forma Pauperis* (Doc. 2) is **denied without prejudice**.

(2) Within 30 days of the date this Order is filed, Plaintiff must either pay the \$400.00 filing and administrative fees **or** file a complete Application to Proceed *In Forma Pauperis* and a certified six-month trust account statement.

(3) If Plaintiff fails to either pay the \$400.00 filing and administrative fees or file a complete Application to Proceed *In Forma Pauperis* within 30 days, the Clerk of Court must enter a judgment of dismissal of this action without prejudice and without further notice to Plaintiff.

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

DATED this 25th day of September, 2013.



Robert C. Broomfield
Senior United States District Judge