

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTHONY WILEY, SR.,

Plaintiff,

v.

KERN COUNTY SHERIFF, et al.,

Defendants.

Case No. 1:17-cv-00981-BAM (PC)

ORDER DENYING MOTION TO COMPEL
(ECF No. 6)ORDER TO SUBMIT APPLICATION TO
PROCEED IN FORMA PAUPERIS FOR A
PRISONER, OR PAY FILING FEE WITHIN
THIRTY (30) DAYS

Plaintiff Anthony Wiley, Sr. ("Plaintiff") is a pretrial detainee proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of a United States Magistrate Judge. (ECF No. 5.)

On July 31, 2017, Plaintiff filed an application to proceed in forma pauperis. (ECF No. 6.) However, Plaintiff failed to attach a certified copy of his inmate trust account statement showing transactions for the past six months, and failed to have an authorized officer of the institution of incarceration complete the certification portion of the form. The Court denied Plaintiff's motion to proceed in forma pauperis and ordered Plaintiff to submit a completed application or pay the filing fee within forty-five (45) days. (ECF No. 7.)

On August 17, 2017, Plaintiff filed the instant motion to compel Kern County to comply or submit application. (ECF No. 8.) Plaintiff states that he submitted an application to proceed pro se to the Kern County Sheriff Financial Department on August 5, 2017, but the application was not signed and returned. Plaintiff did receive a copy of his account statement, and the response to his request was signed by a member of the Sheriff's Department. Those documents

1 are attached to the motion to compel. (Id.)

2 The Court finds that Plaintiff has provided the information necessary to fulfill the
3 requirements for a trust account statement and certification. Therefore, no further documents are
4 required from the Kern County Sheriff's Department, and the motion to compel is moot.

5 However, Plaintiff must submit a renewed application to proceed in forma pauperis before
6 the Court may allow him to proceed in this action without pre-payment of the filing fee. In his
7 renewed application, the Court requests that Plaintiff provide further information regarding the
8 five-bedroom home listed as an asset in the prior application to proceed in forma pauperis. (ECF
9 No. 6, p. 2.) Specifically, Plaintiff should describe whether the home is currently vacant or
10 occupied, and whether Plaintiff is currently receiving any rental income from the property.

11 Accordingly, IT IS HEREBY ORDERED as follows:

12 1. Plaintiff's motion to compel (ECF No. 8) is DENIED, as moot;

13 2. The Clerk of the Court is directed to serve this order and a blank IFP application
14 for a prisoner on Plaintiff;

15 3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file
16 the attached application to proceed in forma pauperis, completed and signed, or in the alternative,
17 pay the \$400.00 filing fee for this action;

18 4. No extension of time will be granted without a showing of good cause; and

19 5. **Plaintiff is warned that the failure to comply with this order will result in**
20 **dismissal of this action, without prejudice.**

21 IT IS SO ORDERED.

22 Dated: August 21, 2017

23 /s/ Barbara A. McAuliffe
24 UNITED STATES MAGISTRATE JUDGE