

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

M.A. EDWARDS

v. PRISONER
Case No. 3:11CV440 (AVC)
COMPLEX WARDEN LAJOIE, ET AL.

RULING AND ORDER

On April 15, 2011, the court denied the plaintiff's motion for leave to proceed *in forma pauperis* because the plaintiff had over \$450.00 in his prison bank account and directed the plaintiff to submit the filing fee within thirty days. The plaintiff now asks the court to reconsider its ruling denying the motion to proceed *in forma pauperis*.

The standard for granting a motion for reconsideration is strict. See *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995). A motion for reconsideration permits the court "to correct manifest errors of law or fact or to consider newly discovered evidence" *LoSacco v. City of Middletown*, 822 F. Supp. 870, 876-77 (D. Conn. 1993), *aff'd*, 33 F.3d 50 (2d Cir. 1994) (internal quotation marks and citation omitted).

The plaintiff claims that a prison counselor submitted information regarding his inmate account balance which was inaccurate and confusing. The plaintiff's prison account statement attached to the application reflects an account balance of \$453.24. The certification of account balance states that the

plaintiff had \$16.39 on account, but also indicates an average account balance over the six month period preceding the statement of \$480.00. The plaintiff claims that the account balance of \$453.24 actually reflects his spendable account balance and the balance that he owes the federal courts for filing fees pursuant to the Prison Litigation Reform Act. No documentation to that effect was submitted with the application to proceed *in forma pauperis*.

The court concludes that it did not err in denying the application to proceed *in forma pauperis* based on the information that had been submitted to the court with the application. Thus, the motions for reconsideration are granted, but after careful reconsideration, the relief requested is denied.

CONCLUSION

The Motions for Reconsideration [**docs. ##6, 7**] are **GRANTED**. After careful reconsideration, the relief requested is **DENIED**. The court will, however, permit the plaintiff to submit a new application to proceed *in forma pauperis* accompanied by a certification of inmate account balance and a summary of the plaintiff's trust account, including the first page of the summary which lists the plaintiff's balances, sub accounts and payables as well as subsequent pages which list the summary of deposits to and withdrawals from the plaintiff's account over the last six months.

The Clerk shall send the plaintiff a Prisoner's Application to Proceed *In Forma Pauperis* form with a copy of this ruling. If the plaintiff seeks to file a new application to proceed in forma pauperis, he must do so within THIRTY days of the date of this order. Failure to submit the filing fee or a new application to proceed will result in dismissal of this action without prejudice and without further notice from the court.

SO ORDERED in Bridgeport, Connecticut, this _10th_ of August, 2011.

/s/
HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE