

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

PETER HERNANDEZ,
Plaintiff,

vs.

Case No. 3:07cv185/LAC/EMT

CENTURY CORRECTIONAL INSTITUTION,
Defendant.

ORDER

This cause is before the court upon Plaintiff's filing a civil rights complaint under 42 U.S.C. § 1983 and a motion to proceed in forma pauperis (Docs. 1, 2).

Initially, the court notes that Plaintiff filed hundreds of exhibits with his complaint. Plaintiff is advised that he should not file exhibits as evidentiary support for his complaint. The court will notify Plaintiff when legal memoranda and exhibits are necessary, such as prior to trial or in conjunction with a motion for summary judgment. Therefore, the clerk will be directed to return the exhibits to Plaintiff.

Plaintiff's application to proceed in forma pauperis is denied, without prejudice, as it is incomplete. The instructions require that a printout of the inmate's prison account be provided which covers the six-month period prior to the filing of the complaint. In this case, as the complaint was filed April 30, 2007 (*see* Doc. 1 at 8), the period involved is from October 30, 2006 through April 30, 2007. Although Plaintiff submitted a Prisoner Consent Form and Financial Certificate signed by an authorized prison official, as well as a printout from Plaintiff's inmate account, the documents reflect his account balance for the six-month period ending January 29, 2007, instead of April 30, 2007 (*see* Doc. 2). Thus, before this matter may proceed, Plaintiff must either pay the filing fee of \$350.00 or obtain leave to proceed in forma pauperis by filing a fully and properly

completed application and attachments. No further action will occur in this case until the matter of the filing fee is resolved.

Accordingly, it is **ORDERED**:

1. Plaintiff's application to proceed in forma pauperis (Doc. 2) is **DENIED** without prejudice.

2. The clerk is directed to forward an in forma pauperis application to Plaintiff. This case number should be written on the application. Additionally, the clerk shall return Plaintiff's exhibits.

3. Within **THIRTY (30) DAYS** from the date of docketing of this order, Plaintiff shall either pay the filing fee of \$350.00 or submit a fully completed application to proceed in forma pauperis, including a printout of his prison account which covers the six-month period prior to the filing of the complaint

4. Plaintiff's failure to comply with this order may result in the dismissal of this case.

DONE AND ORDERED this 11th day of May 2007.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE