

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MICHAEL C. TIERNEY, #A0201434,)	CIV. NO. 12-00117 SOM/RLP
)	
Plaintiff,)	ORDER DENYING IN FORMA PAUPERIS
)	APPLICATION
vs.)	
)	
FRANCIS HAMADA, et al.,)	
)	
Defendants.)	
)	

ORDER DENYING IN FORMA PAUPERIS APPLICATION

Before the court is *pro se* Plaintiff Michael C. Tierney's ("Plaintiff") third *in forma pauperis* ("IFP") application. The court denied Plaintiff's first and second IFP applications because they were incomplete. See ECF #7 at 16, ECF #17. Plaintiff's third IFP application, dated April 17, 2012, is also incomplete. See ECF #24. In his first amended complaint ("FAC"), which is signed and dated on March 11, 2012, Plaintiff asks the court to order OCCC accountant Emy Magcalas to fill out his IFP applications, suggesting that she has refused to do so. See ECF #10 at 8. On March 19, and April 2, 2012, however, Plaintiff submitted two fully completed IFP applications in two of his other actions. See 1:12-cv-00056, ECF #17; 1:12-cv-00059, ECF #8.

It is clear that Plaintiff has the ability to request and receive the information he requires from prison officials to comply with the court's order to submit a fully completed IFP

application. Until Plaintiff does so, the court will not consider his response to the March 6, 2012, Order to Show Cause. See ECF #7. Plaintiff's third *in forma pauperis* application is DENIED as incomplete because it does not contain a copy of his prison trust account statement showing the previous six-month withdrawals and deposits to his account and is unsigned or certified by prison authorities. See 28 U.S.C. § 1915(a)(2). It is therefore DENIED without prejudice. Plaintiff is ORDERED to submit a complete *in forma pauperis* application on or before May 3, 2012. See also, ECF #22. Failure to do so will result in dismissal of this action.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, April 26, 2012.



/s/ Susan Oki Mollway
Susan Oki Mollway
Chief United States District Judge

Tierney v. Hamada, et al., Civ. No. 12-00117 SOM-RLP; Order Denying In Forma Pauperis Application; psa/IFP dmp/ 2012/Tierney 12-117 som IFP #2 (dny incomp)