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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

JOHN ANDREW COLLEN, #A1063784,) CIV. NO. 14-00577 SOM/KSC
Plaintiff, vs.	ORDER DENYING IN FORMA PAUPERIS REQUEST AND STAYING MOTION FOR APPOINTMENT OF COUNSEL
NORMAN YAMAOKA, SCOTT HARRINGTON, CRISTY YOKOYAMA, SEAN ORNELLAS,)))
Defendants.))

ORDER DENYING IN FORMA PAUPERIS REQUEST AND STAYING MOTION FOR APPOINTMENT OF COUNSEL

Before the court is pro se Plaintiff John Andrew Collen's request to proceed in forma pauperis ("IFP") in this prisoner civil rights action. Plaintiff is incarcerated at the Waiawa Correctional Facility ("WCF") and alleges Defendants violated his rights under the Prison Rape Elimination Act ("PREA"), 42 U.S.C. § 15602 et seq., and the Eighth Amendment. Plaintiff's IFP request is DENIED without prejudice.

Parties filing actions in the United States District Court are required to pay filing fees. 28 U.S.C. § 1914(a). An action may not proceed without the prepayment of a filing fee or an order granting IFP status. See 28 U.S.C. § 1915(a)(1). First, Plaintiff's IFP request is not on a District of Hawaii

application. Second, while it provides prison certification attesting to the amount in his account on December 1, 2014, it lacks a certified account statement showing the withdrawals and deposits to his account over the previous six months. See 28 U.S.C. § 1915(a)(2). Finally, it also lacks Plaintiff's signed release for withdrawal of funds from his account. See id.; Local Rule LR99.7.10. Plaintiff's IFP request is DENIED as incomplete.

Plaintiff must pay the entire filing fee of \$400.00, or submit an IFP application on this court's IFP application form, including a certified six-month trust account statement showing that he is a pauper within the meaning of the statute, and his signed permission to withdraw funds from his account on or before January 26, 2015. Failure to do so may result in dismissal of this action for failure to prosecute or follow a court order.

See Fed. R. Civ. P. 41(b); see also Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir. 1995); In re Perroton, 958 F.2d 889, 890 (9th Cir. 1992); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992).

Plaintiff is notified that, as a prisoner, he is obligated to pay the entire filing fee for commencing this suit, regardless of whether it is later dismissed. See 28 U.S.C.

¹ Plaintiff's IFP request is on a Hawaii Rules of Penal Procedure, Form B, "Request to Proceed Without Paying Filing Fees" application.

§ 1915(b)(1). The Clerk is DIRECTED to send Plaintiff a blank IFP application so he may comply with this Order.

Plaintiff's motion for appointment of counsel is STAYED until the court receives payment or a sufficient District of Hawaii IFP application.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, January 15, 2015.



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

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