

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MICHAEL PHILLIP PATRAKIS,)	CIV. NO. 17-00454 DKW-KSC
FED. ID #08431-122,)	
)	ORDER DENYING APPLICATION
Plaintiff,)	TO PROCEED IN FORMA
)	PAUPERIS BY A PRISONER
vs.)	
)	
NEST LABS, TONY FADELL, CEO,)	
)	
Defendant.)	
_____)	

On September 12, 2017, the Court directed Plaintiff to submit the civil filing fee or an Application to Proceed In Forma Pauperis By A Prisoner (“IFP application”) within twenty-eight days. ECF No. 2. Plaintiff did the latter on September 21, 2017. *See* ECF No. 3.

Although Plaintiff was sent a two-page District of Hawaii form IFP application, he returned only the first page of the form with his account statement. The IFP application therefore lacks Plaintiff’s (1) signed acknowledgment that, as a prisoner he is required to pay the full filing fee, and (2) release for withdrawal of funds from his account. *See* 28 U.S.C. § 1915(a)(2). Plaintiff’s Application to Proceed In Forma Pauperis By A Prisoner is therefore DENIED.

Plaintiff is ORDERED to submit the signed second page of the District of Hawaii IFP application acknowledging his responsibility to pay the civil filing fee and granting permission to withdraw funds from his account on or before **October 11, 2017**. Plaintiff need not include the first page of the application or another trust account statement but may incorporate ECF No. 3 by reference. Failure to timely do so will result in the dismissal of this action without prejudice. *See Fed. R. Civ. P. 41(b); see also Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir. 1995).

The Clerk is DIRECTED to send Plaintiff another in forma pauperis application to aid in his efforts to comply with the Court's instructions.

IT IS SO ORDERED.

DATED: September 27, 2017 at Honolulu, Hawai'i.



/s/ Derrick K. Watson
Derrick K. Watson
United States District Judge

***Michael Phillip Patrakis v. Nest Labs*; Civil No. 17-00454 DKW-KSC; ORDER DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS BY A PRISONER**

Ptrakis v. Nest Labs, 1:17-00454 DKW-KSC; ifp 2017 (dny incmp, no consent wthdr)