

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ROCKY HERMANNS-RAYMOND,
#A6026839,

Plaintiff,

vs.

JERMAINE LEWIS,

Defendant.

CIVIL NO. 23-00023 DKW-RT

ORDER DENYING APPLICATION
TO PROCEED IN FORMA
PAUPERIS BY A PRISONER

Before the Court is an Application to Proceed In Forma Pauperis by a Prisoner filed by pro se Plaintiff Rocky Hermanns-Raymond.¹ ECF No. 2. Hermanns-Raymond's IFP Application is DENIED as incomplete.

When bringing an action, a prisoner must either pay the \$350.00 filing fee and a \$52.00 administrative fee in a lump sum or, if granted the privilege of proceeding *in forma pauperis*, pay the \$350.00 filing fee incrementally as set forth in 28 U.S.C. § 1915(b)(1). An application to proceed *in forma pauperis* requires an (1) affidavit of indigence and (2) a certified copy of the inmate's trust account statement for the six months preceding the filing of the complaint. *See* 28 U.S.C.

¹Hermanns-Raymond is currently incarcerated at the Maui Community Correctional Center. *See* VINE, <https://vinelink.vineapps.com/search/HI/Person> (select "ID Number"; enter "A6026839"; and select "Search") (last visited Jan. 18, 2023).

§ 1915(a)(2); *Page v. Torrey*, 201 F.3d 1136, 1139 (9th Cir. 2000). A prisoner must submit trust account statements from each institution where confined during this six-month period. *See* 28 U.S.C. § 1915(a)(2).

To assist prisoners in meeting these statutory requirements, the Court requires use of a form application—that is, the “Application to Proceed In Forma Pauperis by a Prisoner.” *See* United States District Court District of Hawaii, [https://www.hid.uscourts.gov/files/prose/Application%20To%20Proceed%20In%20Forma%20Pauperis%20By%20a%20Prisoner%20\(IFP\)%20and%20Instructions.pdf](https://www.hid.uscourts.gov/files/prose/Application%20To%20Proceed%20In%20Forma%20Pauperis%20By%20a%20Prisoner%20(IFP)%20and%20Instructions.pdf) (last visited Jan. 18, 2023). This form includes (1) an affidavit of indigence (for completion by the prisoner); (2) a financial certificate and consent to collection of fees (for completion by the prisoner); and (3) a certificate (for completion by the warden or other appropriate officer of the institution in which the prisoner is confined). *See id.* The form also reminds the prisoner to attach a copy of his or her prison trust account balance statements for the preceding six months. *See id.*

If a prisoner is granted leave to proceed *in forma pauperis*, the Court will assess an initial partial filing fee of twenty percent of either the average monthly deposits or the average monthly balance in the prisoner’s account, whichever is greater. 28 U.S.C. § 1915(b)(1); *Bruce v. Samuels*, 577 U.S. 82, 84 (2016). An initial partial filing fee will only be collected when funds exist. *See* 28 U.S.C. § 1915(b)(1). The balance of the \$350.00 filing fee will be collected in monthly

payments of twenty percent of the preceding month's income credited to the prisoner's account, each time the amount in the account exceeds \$10.00. 28 U.S.C. § 1915(b)(2); *Bruce*, 577 U.S. at 84. These payments continue until the filing fee is paid in full. *See* 28 U.S.C. § 1915(b)(2). The initial partial filing fee and the subsequent monthly installment payments are assessed on a per-case basis. *Bruce*, 577 U.S. at 84. Thus, filing fees associated with multiple actions are recouped simultaneously, not sequentially. *See id.*

Hermanns-Raymond's IFP Application is incomplete. Specifically, Hermanns-Raymond did not date, sign, and provide his prison number below the financial certificate and consent to collection of fees. *See* ECF No. 2 at 2.

Hermanns-Raymond is DIRECTED to promptly submit a complete IFP Application. Failure to do so, or to pay the filing fee in full, **on or before February 8, 2023** will result in automatic dismissal of this suit without prejudice and without further notice. *See* Fed. R. Civ. P. 41(b); *see also Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir. 1995). The Court will take no action on any pending or future filings in this action until Hermanns-Raymond addresses the deficiency set forth in this Order.

CONCLUSION

(1) Hermanns-Raymond Application to Proceed In Forma Pauperis by a Prisoner is DENIED without prejudice as incomplete.

(2) Hermanns-Raymond is DIRECTED to pay the filing fee in full, or to submit a complete IFP Application **on or before February 8, 2023**.

(3) The Clerk is DIRECTED to send Hermanns-Raymond an Application to Proceed In Forma Pauperis by a Prisoner to facilitate compliance with this Order.

IT IS SO ORDERED.

DATED: January 18, 2023 at Honolulu, Hawaii.



/s/ Derrick K. Watson

Derrick K. Watson
Chief United States District Judge

Rocky Hermanns-Raymond v. Jermaine Lewis; Civil No. 23-00023 DKW-RT;
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