

## United States District Court, Northern District of Illinois

<b>Name of Assigned Judge or Magistrate Judge</b>	WILLIAM T. HART	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	10 C 6834	<b>DATE</b>	12/7/2010
<b>CASE TITLE</b>	Rafael Perez Rodriguez (#40282-424) vs. Peter Berlanga		

### DOCKET ENTRY TEXT:

The plaintiff's renewed motion for leave to proceed *in forma pauperis* [#5] is granted. The court orders the trust fund officer at the plaintiff's place of incarceration to deduct \$41.67 from the plaintiff's account for payment to the Clerk of Court as an initial partial filing fee, and to continue making monthly deductions in accordance with this order. The clerk shall send a copy of this order to the trust fund officer at the Giles W. Dalby Correctional Facility in Post, Texas. On the court's own motion, the plaintiff is granted an additional twenty-one days to show good cause in writing why Count I of the complaint should not be dismissed as time-barred. Failure of the plaintiff to show cause within twenty-one days of the date of this order will result in summary dismissal of this case in its entirety.

■ [For further details see text below.]

Docketing to mail notices.

### STATEMENT

The plaintiff, a federal prisoner, has submitted a two-count, *pro se* civil complaint purportedly pursuant to 28 U.S.C. § 1331 and 1546(A) (a repealed statute). The plaintiff claims that the defendant, a notary public in Hammond, Indiana, extorted money from the plaintiff in 1990 and falsely testified against the plaintiff at his criminal trial in 2009.

By Minute Order of November 2, 2010, the court summarily dismissed Count II of the complaint on preliminary review pursuant to 28 U.S.C. § 1915(e)(2)(B) and ordered the plaintiff to: (1) either file a properly completed *in forma pauperis* application or pay the full \$350 filing fee; and (2) show good cause in writing why Count I of the complaint should not be dismissed as time-barred.

The plaintiff has filed an application for leave to proceed *in forma pauperis* as directed. The plaintiff's motion for leave to proceed *in forma pauperis* is granted. Pursuant to 28 U.S.C. § 1915(b)(1), the plaintiff is assessed an initial partial filing fee of \$41.67. The trust fund officer at the plaintiff's place of incarceration is authorized and ordered to collect the partial filing fee from the plaintiff's trust fund account and pay it directly to the Clerk of Court. After payment of the initial partial filing fee, the plaintiff's trust fund officer is directed

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**STATEMENT (continued)**

to collect monthly payments from the plaintiff's trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments shall be forwarded to the Clerk of Court each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. All payments shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor, and shall clearly identify the plaintiff's name and this case number. This payment obligation will follow the plaintiff wherever he may be transferred.

However, the plaintiff has failed to respond to the show cause portion of the court's prior order. On the court's own motion, the plaintiff is granted an additional twenty-one days to show good cause in writing why Count I should not be dismissed as time-barred. Failure to show cause within twenty-one days will result in summary dismissal of the remaining count as untimely.