

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	12 C 8727	DATE	1/8/2013
CASE TITLE	Marcus Rush (K-57386) vs. Tom Dart		

DOCKET ENTRY TEXT

Since Plaintiff is proceeding *pro se*, the court will grant Plaintiff one final extension. The *in forma pauperis* application form filed on December 17, 2012 [9], is stricken without prejudice. Plaintiff is given until February 5, 2013, to either pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement. Plaintiff is warned that if he fails to pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement by February 5, 2013, this case will be dismissed.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

This matter is before the court on Plaintiff Marcus Rush's (Rush) motion for leave to proceed *in forma pauperis* and motion for an extension of time. On November 7, 2012, the court denied Rush's prior motion for leave to proceed *in forma pauperis*. The court gave Rush until December 11, 2012, to either pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement. The court warned Rush that if he failed to pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement by December 11, 2012, this case would be dismissed. The docket in this case indicates that a notice of change of address was entered in this case, and that on November 27, 2012, the Clerk's Office mailed Rush another copy of this court's November 7, 2012 ruling. Since Rush is proceeding *pro se* and is incarcerated, on December 11, 2012, the court extended the deadlines in this case. The court gave Rush until January 3, 2013, to either pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement. The court also warned Rush that if he failed to pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement by January 3, 2013, this case would be dismissed.

STATEMENT

On December 17, 2012, Rush filed a second motion for leave to proceed *in forma pauperis* and a motion for extension of time. Rush contends that due to his transfer from one prison facility to another, his mail has been delayed and he requests an extension in order to acquire the necessary paperwork to complete his *in forma pauperis* application form and get his updated prison trust account statement. Since Rush is proceeding *pro se*, the court will grant Rush one final extension. The *in forma pauperis* application form filed on December 17, 2012, is stricken without prejudice. Rush is given until February 5, 2013, to either pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement. Rush is warned that if he fails to pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement by February 5, 2013, this case will be dismissed.