

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MICHAEL ANTHONY SHEPARD,** )

**Plaintiff,** )

**vs.** )

**CIVIL NO. 06-045-JLF**

**DR. SHAH,** )

**Defendant.** )

**MEMORANDUM AND ORDER**

**FOREMAN, District Judge:**

Plaintiff, a prisoner proceeding *pro se*, has filed a certificate signed by the trust fund officer at Vandalia Correctional Center (Doc. 2). However, he has not filed a motion for leave to proceed *in forma pauperis*, nor has he submitted a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the complaint or an affidavit that includes a statement of his assets as required by § 1915(a)(1).

**IT IS HEREBY ORDERED** that within **THIRTY (30) DAYS** of the date of the entry of this order, Plaintiff shall submit a motion for leave to proceed *in forma pauperis*, accompanied by both a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the complaint and an affidavit that includes a statement of his assets. Plaintiff is **ADVISED** that in the event he has been transferred among institutions during this six-month period, it is Plaintiff's responsibility to obtain a copy of his prison trust account statement from each such facility and to forward it to the Court. Plaintiff is **FURTHER ADVISED** that his obligation to pay the filing fee for this action was incurred at the time the action was filed; such an obligation will exist whether or

not Plaintiff is granted leave to proceed *in forma pauperis*. 28 U.S.C. § 1915(b)(1); *see also Lucien v. Jockisch*, 133 F.3d 464, 467 (7<sup>th</sup> Cir. 1998).

**IT IS FURTHER ORDERED** that upon conclusion of this thirty-day period, should Plaintiff fail to comply with this order, this case will be closed for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7<sup>th</sup> Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7<sup>th</sup> Cir. 1994).

The Clerk is **DIRECTED** to provide Plaintiff with the appropriate forms to enable him to comply with this order.

**IT IS SO ORDERED.**

**DATED: February 1, 2006.**

*s/ James L Foreman*

---

**DISTRICT JUDGE**