

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

JOHN RUSHING,)
)
 Plaintiff,)
)
 vs.)
)
 GARY ANDREW GERST,)
)
 Physician Assistant,)
 Pinckneyville Correctional Center,)
)
 Defendant.)

Case No. 10-cv-507-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff John Rushing’s *pro se* Motion for Leave to Proceed *in Forma Pauperis* (Doc. 9)

A federal court may permit an indigent party to proceed without pre-payment of fees. 28 U.S.C. § 1915(a)(1) (2006). If that party is a prisoner, he must also include a certified copy of his trust fund account statement or institutional equivalent for the 6-month period immediately preceding the filing of the complaint or notice of appeal. § 1915(a)(2). In addition, a court can deny a qualified plaintiff leave to file *in forma pauperis* or can dismiss a case if the action is clearly frivolous or malicious. § 1915(e)(2)(B)(i).

Here, the Court is satisfied from Rushing’s declaration that he is indigent. With that said, Rushing has not submitted the requisite certified copy of his trust fund account statement for the 6-month period preceding the filing of his Complaint (Doc. 1). Section 1915(a)(2) is clear that the submission of such a statement is required if one wishes to proceed *in forma pauperis*.

Being fully advised of the premises, the Court **RESERVES RULING** on the instant motion (Doc. 9). Further, the Court **ORDERS** Rushing to submit by March 25, 2011, a certified copy of his prison trust fund account statement for the six months preceding the filing of his complaint. Finally, the Court **DIRECTS** the Clerk of Court to mail a copy of this memorandum and order to Rushing and to the trust fund officer at Dixon Correctional Center. The Court makes no finding as to whether Rushing's claims are frivolous or malicious.

IT IS SO ORDERED.
DATED: March 11, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE