

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

KURTIS M. CULBERT,

Plaintiff,

vs.

TONY THOMPSON, RICHARD  
BOESCHEN, LIEUTENANT HERBST,  
DEPUTY SHIMP, DEPUTY JEROMEY,  
CITY OF WATERLOO, BLACK HAWK  
COUNTY,

Defendants.

No. C13-2023-LRR

**ORDER**

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The matter before the court is the plaintiff's amended complaint (docket no. 14), filed on May 14, 2013, motion to reconsider (docket no. 16), filed on May 21, 2013, and motion for extension of time to pay the initial partial filing fee (docket no. 17), filed on May 29, 2013.

The plaintiff states nothing in his motion to reconsider that leads the court to a different conclusion. The court stands by its previous decision to require the plaintiff to submit partial payments of the filing fee because it is required by statute, its decision denying the appointment of counsel because the Constitution does not require that an attorney be appointed in a civil case and its decision denying discovery and a preliminary injunction because the facts do not justify either at this time, especially considering that the plaintiff is no longer confined at the Black Hawk County Jail and he has failed to comply with the court's directive to pay the initial partial filing fee. Accordingly, the motion to reconsider shall be denied. As to the motion for extension of time to pay the initial partial filing fee, the plaintiff stated that he would submit the required initial partial filing fee by September 1, 2013. He has failed to do so. Nevertheless, because he submitted an amended complaint as the court directed him to do and because he might be under the

mistaken belief that the initial partial filing fee that was paid in the first case that he filed, that is, *Culbert v. Thompson, et al.*, Case No. 6:13-cv-02011-LRR (N.D. Iowa 2013), has been applied to this action, the court deems it appropriate to extend the deadline by which the plaintiff must submit the initial partial filing fee. Accordingly, the motion for extension of time to pay the initial partial filing fee shall be granted. The plaintiff shall submit \$11.16 by no later than September 30, 2013. No further extensions will be granted because the plaintiff conveyed to the court that he could pay the initial partial filing fee if given more time, the plaintiff receives a \$25.00 money order approximately once per month and it is evident from the plaintiff's most recent case, that is, *Culbert, et al. v. Thompson, et al.*, Case No. 6:13-cv-02062 (N.D. Iowa 201\_\_), that he makes at least \$23.00 per month from his prison job. If the plaintiff fails to comply with this order, this action shall be dismissed without prejudice.

**IT IS THEREFORE ORDERED:**

- 1) The plaintiff's motion to reconsider (docket no. 16) is denied.
- 2) The plaintiff's motion for extension of time to pay the initial partial filing fee (docket no. 17) is granted.
- 3) The plaintiff is directed to submit \$11.16 by no later than September 30, 2013. If the plaintiff fails to submit his initial partial filing fee by September 30, 2013, the clerk's office is directed to dismiss without prejudice this action.

**DATED** this 6th day of September, 2013.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA