

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

TYRONE LEWIS PERRY, #33505600

VERSUS

**CORRECT HEALTH MEDICAL
SERVICES, JEFFERSON PARISH
SHERIFF'S OFFICE**

CIVIL ACTION

NO. 17-0556

SECTION "H" (4)

ORDER AND REASONS

The plaintiff, Tyrone Lewis Perry ("Perry"), submitted a complaint pursuant to 42 U.S.C. § 1983 for which he sought leave to file as a pauper.¹ Perry did not provide the Court with the inmate account certification required by law and which was necessary to properly consider his eligibility to proceed *in forma pauperis*. 28 U.S.C. § 1915(a)(2). The Clerk of this Court sent Perry a notice of this deficiency on January 20, 2017, to which Perry replied that he was unable to get the necessary information from the prison officials at the Jefferson Parish Correctional Center.² The clerk sent Perry a second notice of the same deficiency on February 6, 2017, because Perry's new documentation still did not provide the necessary certification.³ Having given Perry additional opportunities to correct the deficiency and upon his failure timely to provide the certification, the Court denied Perry's request to proceed as a pauper on March 15, 2017.⁴

Perry filed a **Motion for Reconsideration of Pauper Status (Rec. Doc. No. 8)** requesting that the Court reconsider the denial of his pauper application based on his repeated claims that the

¹Rec. Doc. Nos. 2, 5.

²Rec. Doc. No. 5, p. 2.

³Rec. Doc. No. 6.

⁴Rec. Doc. No. 7.

officials at the Jefferson Parish Correctional Center declined to provide him with a certification of his prison account. Perry did not present proof of his efforts to submit a request for certification to the prison officials. He also did not provide a certification of his prison account or any information upon which this Court could assess his entitlement to proceed as a pauper.

To properly assess the motion to reconsider, on April 4, 2017, the Court ordered the officials at the Jefferson Parish Correctional Center to provide the certification of Perry's inmate account pursuant to 28 U.S.C. § 1915(a)(2).⁵ In addition, the Court ordered the prison officials to advise the Court as to whether Perry made the requests for the certification of his inmate account to prison officials as he had alleged in his pleadings to the Court.

In response to the Court's order, the prison officials indicated that Perry made a request for a certification of his inmate account on January 30, 2017.⁶ On February 1, 2017, Deputy P. Cyprian returned the incomplete document to Perry seeking additional documentation in accordance with prison policy before the application could be certified.⁷ Perry did not respond to the Deputy's request or return the documentation to prison officials for further consideration.⁸

This is consistent with the representations made by Perry in his pleadings to the Court prior to the original denial of his pauper status.⁹ Perry did not make the effort to comply with the prison rules in order to obtain the required certification. He instead simply blamed the failure to comply on the prison staff and returned the incomplete documents to the Court. Perry did not attempt to

⁵Rec. Doc. No. 9.

⁶Rec. Doc. Nos. 11 & 12, p. 6.

⁷Rec. Doc. No. 12, pp. 1, 5.

⁸Rec. Doc. No. 12, p.1.

⁹Rec. Doc. No. 5, p. 2.

comply with Deputy Cyprian's instructions before returning the incomplete documents to the Court. Perry's failure to diligently obtain the required information was the basis for this Court's original denial of his pauper application. As the record reflects, Perry still has made no effort to correct the documents to warrant reconsideration of his pauper status in this case. Accordingly,

IT IS ORDERED that Perry's **Motion for Reconsideration of Pauper Status (Rec. Doc. No. 8)** is **DENIED**.

New Orleans, Louisiana, this 10th day of May, 2017.



KAREN WELLS ROBY
UNITED STATES MAGISTRATE JUDGE

CLERK TO NOTIFY PLAINTIFF AND
SEND A COURTESY COPY OF THIS ORDER TO:

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