

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
JOHN IVAN OLMO,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	NO. 14-13434-WGY
STEVEN NARKER, et al.,)	
)	
Defendants.)	
_____)	

ORDER ON PENDING MOTIONS NOS. 9 and 14

YOUNG, D.J.

November 10, 2014

Plaintiff John Ivan Olmo initiated this action on September 5, 2014, by filing a pro se complaint and motions for counsel and for leave to proceed in forma pauperis.

By Memorandum and Order dated October 21, 2014, plaintiff's motions for counsel and to proceed in forma pauperis were denied and plaintiff was advised that his complaint failed to state a claim upon which relief may be granted because it fails to meet the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. See Docket No. 10. Plaintiff was granted 35 days to address the filing fee issue and file an amended complaint. Id.

By Electronic Order dated November 10, 2014, plaintiff was advised that his motion for extension of time will be granted if he complies with the payment order of October 22, 2014. See Docket No. 16. Now before the Court are plaintiff's motions to proceed in forma pauperis and for extension of time.

The Court has reviewed plaintiff's renewed motion for leave to proceed in forma pauperis. Based upon the financial disclosures, plaintiff is without funds to pay the filing fee and

his motion will be granted. Because of this, plaintiff may have until December 24, 2014 to comply with the directives contained in the October 21, 2014 Memorandum and Order and file an amended complaint.

As to plaintiff's ex-parte motion, plaintiff asks the Court "to convene in order and to duly reveal any pre-trial assessments done or requested by Mr. S. Narker and or any of his counselor-at-law assoc. in order to appear before the Court." See Docket No. 9, p. 1. As best can be gleaned from the motion, plaintiff is concerned about pre-litigation actions that may be taken by the defendants, including transferring assets, fleeing the jurisdiction and/or delaying action. The docket indicates that summons have not issued and there is no record of the defendants contacting the Court. The Court will not take ex parte action at this time and plaintiff's motion will be denied without prejudice to renewing after he files an amended complaint.

Accordingly:

1. The ex-parte motion (# 9) is denied without prejudice.
2. The motion (#14) for leave to proceed in forma pauperis is ALLOWED. Plaintiff may have until December 24, 2014 to comply with the directives contained in the October 21, 2014 Memorandum and Order and file an amended complaint. No further enlargement of time will be permitted, and failure to comply with the Court's directives will result in a dismissal of this action.

SO ORDERED.

/s/ William G. Young
WILLIAM G. YOUNG
UNITED STATES DISTRICT JUDGE