

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN WALKER,)
Plaintiff,)
v.) Civil Action No. 17-11903-DJC
MASS. DEPARTMENT OF)
CORRECTIONS,)
Defendant.)

ORDER

CASPER, J.

December 1, 2017

On October 3, 2017, John Walker (“Walker”), who is incarcerated at MCI Cedar Junction, filed a *pro se* complaint in which he challenges the adequacy of medical care he is receiving for a skin condition. In an order dated October 20, 2017, D. 4, the Court directed Walker to pay the \$400 filing fee or file a motion for leave to proceed *in forma pauperis* with a six-month prison account statement. The Court explained that, even if the Court allows Walker to proceed *in forma pauperis*, only the requirement that the filing fee be prepaid would be waived; Walker would still be required to pay a \$350 filing fee through installment payments regardless of the outcome of the case. See 28 U.S.C. § 1915(b). The Court also stated that failure to respond to the order could result in dismissal of the action without prejudice.

The Clerk included an *in forma pauperis* application with the copy of the order mailed to Walker. The Clerk also sent a copy of the order to the treasurer of MCI Cedar Junction to facilitate any request by the plaintiff for his six-month prison account statement. The Court did not ask the treasurer to provide that information directly to the Court.

On November 6, 2017, the Court received a six-month prison account statement for Walker. It is unclear whether this account statement was submitted by the prison treasurer or by the plaintiff. Walker did not file a motion for leave to proceed *in forma pauperis* or any other document indicating a desire to pursue this case and incur an obligation to pay the \$350 filing fee.

In the absence of a motion to proceed *in forma pauperis*, it is unclear whether Walker intends to prosecute this action and accept the concomitant responsibility of paying the filing fee up front or by making incremental payments pursuant to 28 U.S.C. § 1915(b).

Accordingly, if Walker would like to pursue this action, he must, within twenty-one (21) days of the date of this order, file a motion for leave to proceed *in forma pauperis* in the form of an Application to Proceed in District Court Without Prepaying Fees or Costs. Failure to do so will result in dismissal of this action without prejudice. The Clerk shall provide the plaintiff with an Application to Proceed in District Court Without Prepaying Fees or Costs.

IT IS SO ORDERED.

/s/ Denise J. Casper
United States District Judge