

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

KEITH ELLIOTT HAVARD, #K0467

PETITIONER

VERSUS

CIVIL ACTION NO. 1:10-cv-494-HSO-JMR

C. EPPS

RESPONDENT

ORDER

On October 15, 2010, an order [2] was entered directing Petitioner to file an application to proceed *in forma pauperis* or to pay the \$5.00 filing fee, on or before November 5, 2010. On November 9, 2010, Petitioner filed a response [3] and attachment [4]. Petitioner's response [3] stated that he feared that he would be unable to meet the Court's deadline for filing his application to proceed *in forma pauperis* along with the certificate to be completed by the authorized officer in charge of inmate accounts, therefore, he attached a certificate completed July 16, 2010, which he submitted in a previous § 1983 case. Further, Petitioner's attachment [4] provided this Court with a completed application to proceed *in forma pauperis* in the state courts of Mississippi. As such, the Petitioner will be provided an extension of time to provide this Court with a current inmate account certificate as well as a completed application to proceed *in forma pauperis* in *this* Court. Accordingly, it is,

ORDERED:

1. That Petitioner is granted until and including December 7, 2010, to comply with the Court's order [2] of October 15, 2010, by filing the attached application to proceed *in forma pauperis* in this Court including a current completed certificate portion OR pay the required filing fee of \$5.00.
2. The Clerk shall mail the attached application to proceed *in forma pauperis* to the

Petitioner at his last known address.

3. That failure of the Petitioner to advise this Court of a change of address or failure to timely comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the Petitioner and may result in this cause being dismissed without further notice to the Petitioner.

4. That the Petitioner is required to file his original response to this order to show cause with the **Clerk, 2012 15th Street, Suite 403, Gulfport, Mississippi 39501**. Failure to properly file a response may result in this civil action being dismissed.

THIS, the 16th day of November, 2010.

s/ John M. Roper
CHIEF MAGISTRATE JUDGE

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RESPONDENT

MOTION TO PROCEED *IN FORMA PAUPERIS*

I, _____ (name), _____ (prisoner number), declare that I am the petitioner in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 U.S.C. §1915 I declare that I am unable to pay the costs of said proceedings or give security therefor; that I believe I am entitled to the relief.

Signed: _____ Date: _____

AFFIDAVIT IN SUPPORT OF MOTION

In support of this motion, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? _____ Yes _____ No
If "yes" state the place of your incarceration _____

2. Are you presently employed (at the institution or otherwise)? _____ Yes _____ No
 - a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. _____

 - b. If the answer is "no," state the date of the last employment and the amount of the salary and wages per month which you received. _____

3. Have you received within the past twelve months any money from any of the following sources?
 - a. Business, profession or form of self-employment? _____ Yes _____ No

- b. Rent payments, interest or dividends? Yes No
- c. Pensions, annuities or life insurance payments? Yes No
- d. Gifts or inheritances? Yes No
- e. Any other sources? Yes No

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. _____

 _____.

4. Do you own cash, or do you have money in a checking or savings account?
 Yes No (Include any funds in prison accounts.)
 If the answer is "yes," state the total value of the items owned. _____

 _____.

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No
 If the answer is "yes," describe the property and state its approximate value. _____

 _____.

6. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

 _____.

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on _____ Date _____ Signature of Petitioner _____

Certificate

I hereby certify that the petitioner herein has the sum of \$ _____ on account to his credit at the _____ institution where he is confined. I further certify that petitioner likewise has the following securities to his credit according to the records of said _____ institution: _____.

_____ Date _____ Authorized Officer of Institution