

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

HENRY A. TERRY )  
Plaintiff, )  
vs. )  
CAROLYN W. COLVIN, ) Case No. 1:13-CV-150-TIA  
Acting Commissioner of Social Security, )  
Defendant. )

## **MEMORANDUM AND ORDER**

Before the Court is plaintiff's response to the Court's November 14, 2013 Order instructing him to file a completed CJA Form 23 relative to his motion for leave to commence this action without payment of the required filing fee [Doc. #6]. See 28 U.S.C. § 1915(a).

Plaintiff has once again submitted a partially-completed financial affidavit CJA Form 23 in support of his application for in forma pauperis status. Plaintiff has failed to state whether he has any cash on hand or money in a savings or checking account, and if he does, the total amount of said account(s). As such, the Court is unable to determine, at this time, if he is financially unable to pay any portion of the filing fee. See 28 U.S.C. § 1915(a), Local Rule 2.05(A). Because plaintiff is proceeding pro se, the Court will give him one last opportunity to either submit a fully-completed CJA Form 23 or pay the \$400 filing fee. If plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice and without further notice to him.

In accordance with the foregoing,

**IT IS HEREBY ORDERED** that plaintiff shall have thirty (30) days from the date of this Order to pay the statutory filing fee of \$400, or to submit a fully-completed CJA Form 23 (financial affidavit).

**IT IS FURTHER ORDERED** that, upon plaintiff's submission of a fully-completed CJA Form 23, the Clerk shall cause this case to be resubmitted for review under 28 U.S.C. § 1915.

**IT IS FURTHER ORDERED** that if plaintiff fails to pay the filing fee or to submit a fully-completed CJA Form 23 within thirty days, this case shall be dismissed, without prejudice and without further notice.

Dated this 16th day of December, 2013.

/s/ Terry I. Adelman

UNITED STATES MAGISTRATE JUDGE