

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BARRY HARRIS,

Case No. 3:20-cv-00695-MMD-WGC

Petitioner,

## ORDER

v.

CALVIN JOHNSON, *et al.*,

## Respondents.

13 In this *habeas corpus* action, in which Petitioner Barry Harris is represented by  
14 appointed counsel, on January 14, 2021, the Court denied Harris' application to proceed  
15 *in forma pauperis* on the ground that it was "incomplete, in that it does not include the  
16 required certificate of a prison official showing the amount of funds in Harris' trust  
17 accounts." (ECF No. 10 at 1.) The Court granted Harris time to pay the \$5 filing fee or to  
18 file a new, complete application to proceed *in forma pauperis*. (*Id.* at 2.)

19 On February 11, 2021, Harris filed a motion for reconsideration (ECF No. 11),  
20 requesting that the Court reconsider the denial of his *in forma pauperis* application. Harris  
21 pointed out that he filed a financial certificate on December 14, 2020 (ECF No. 1-2). The  
22 Court denied the motion for reconsideration, determining that the financial certificate  
23 submitted by Harris on December 14, 2020, was insufficient in that it was not filed  
24 simultaneously with his *in forma pauperis* application, was not current when he filed his  
25 *in forma pauperis* application (it was signed on October 26, 2020), and did not show the  
26 deposits in his account for the six months before the *in forma pauperis* application was  
27 filed. (ECF No. 13.) The Court again granted Harris time to pay the \$5 filing fee or to file  
28 a new, complete application to proceed *in forma pauperis*. (Id. at 2.)

1           On March 3, 2021, Harris filed another *in forma pauperis* application. (ECF No.  
2 14.) That application included a financial certificate on the proper form, but the financial  
3 certificate, dated February 2, 2021, showed that Harris is able to pay the filing fee.  
4 Therefore, on March 4, 2021, the Court denied the application. (ECF No. 15.) The Court  
5 ordered that Harris was to pay the \$5 filing fee by April 9, 2021. (*Id.*)

6           On March 29, 2021, Harris filed yet another *in forma pauperis* application. (ECF  
7 No. 16.) The March 29<sup>th</sup> application is identical to the March 3<sup>rd</sup> application; attached to  
8 the March 29<sup>th</sup> application is the same February 2 financial certificate that was attached  
9 to the March 3<sup>rd</sup> application. The financial certificate shows that Harris is able to pay the  
10 filing fee. The March 29<sup>th</sup> application will therefore be denied. Harris will be required to  
11 pay the \$5 filing fee. The Court will extend to April 30, 2021, the time for Harris to pay the  
12 filing fee.

13           Harris is warned that if he does not pay the filing fee within the time allowed, this  
14 action may be dismissed.

15           It is therefore ordered that Petitioner's application to proceed *in forma pauperis*  
16 (ECF No. 16) is denied.

17           It is further ordered that Petitioner will have until and including April 30, 2021, to  
18 pay the \$5 filing fee for this action. To pay the filing fee, Petitioner must make the  
19 necessary arrangements to have a check for \$5 sent to the Court, along with a copy of  
20 this Order or some other indication that the filing fee is for this action (Case No. 3:20-cv-  
21 00695-MMD-WGC).

22           DATED THIS 31<sup>st</sup> Day of March 2021.

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26           MIRANDA M. DU  
27           CHIEF UNITED STATES DISTRICT JUDGE  
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