

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GENE GILBERT ELLIS,

Petitioner,

v.

No. 18-cv-00012-JCH-KRS

ATTORNEY GENERAL OF STATE
OF NEW MEXICO,

Respondent.

ORDER TO CURE DEFICIENCY

THIS MATTER is before the Court on Petitioner Gene Gilbert Ellis' Prisoner's Motion and Affidavit For Leave To Proceed Pursuant To 28 U.S.C. § 1915, filed on January 4, 2018. [Doc. 2] The Court concludes that Petitioner's filing is deficient because it does not list his assets (including any funds that currently exist in in his inmate account), as required by 28 U.S.C. § 1915(a)(1) (requiring an applicant seeking to proceed *in forma pauperis* to submit an affidavit that includes "all assets such prisoner possesses"). To cure this deficiency, Petitioner must submit, within thirty (30) days of the date of entry of this Order, an affidavit that lists his assets and their value, including, but not limited to, any funds that currently exist in his inmate account. If Petitioner has no assets or funds, then Petitioner must list his assets and their value as "0" or negative in value. It is a violation of this Order to leave the assets portion of the affidavit blank.

Any papers that Petitioner submits in response to this Order must include the civil action number of this proceeding (No. 18-CV-00012-JCH-KRS). Failure to provide the financial information required by § 1915(a)(1) may result in the denial of Petitioner's motion without further notice.

IT IS THEREFORE ORDERED that, within thirty (30) days of the date of entry of this Order, Petitioner must submit an affidavit that lists his assets and their value, including, but not limited to, any funds that currently exist in his inmate account;

IT IS FURTHER ORDERED that the Clerk of the Court is directed to send to Petitioner, together with a copy of this order, a form Prisoner's Motion and Affidavit For Leave To Proceed Pursuant to 28 U.S.C. § 1915.



KEVIN SWEAZEA
UNITED STATES MAGISTRATE JUDGE