

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**GEORGE CINTROI DAVIS,**

**Plaintiff,**

**v.**

**KELLY COLLINS et al.,**

**Defendants.**

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**Case No. CIV-17-645-M**

**ORDER**

On June 12, 2017, the Court granted Plaintiff George Cintroi Davis' application for leave to proceed *in forma pauperis* and ordered Plaintiff to pay an initial partial filing fee of \$0.48 no later than July 3, 2017, pursuant to 28 U.S.C. § 1915(b)(1)(A). Plaintiff was advised that if he did not pay this fee, or show good cause for his failure to do so, this action would be subject to dismissal without prejudice. *See* Order of June 12, 2017 (Doc. No. 5) at 1.


Plaintiff failed to pay the initial partial payment, seek an extension of his time to do so, or submit any explanation for his failure to pay. Accordingly, on July 10, 2017, Plaintiff was permitted another opportunity to either submit his \$0.48 initial partial fee or show good cause in writing for his failure to do so. Plaintiff was advised that if he did not (1) pay the full \$350.00 filing fee, (2) pay the \$0.48 initial partial fee, or (3) show, in writing, good cause for the failure to pay, by July 31, 2017, this action would be subject to dismissal without prejudice to refile and with no fees or costs imposed. *See* Order of July 10, 2017 (Doc. No. 8); LCvR 3.4(a).

As of this date, Plaintiff has not submitted his required fee to the Court. He has, however, sent a letter stating that he “has no money” because he does not receive gang pay. Pl.’s Letter (Doc. No. 9) at 1. Attached to his filing is an institutional account statement reflecting that Plaintiff actually does receive gang pay and has a current balance of \$7.20 in his savings account, which is more than sufficient to fulfill his initial payment requirement. *See* Doc. No. 9-1, at 1. Plaintiff in his letter states that he “cannot touch” this savings account until he is discharged to a halfway house, but he cites no authority for that proposition. Pl.’s Letter at 1. Further, the relevant statute provides that funds placed into Oklahoma prisoners’ mandatory savings accounts can “be used to pay filing fees for state or federal litigation.” *Miskovsky v. Jones*, 437 F. App’x 707, 709 (10th Cir. 2011) (citing Okla. Stat. tit. 57, § 549(A)(5) (“Funds from this [mandatory savings] account may be used by the inmate for fees or costs in filing a . . . federal action . . . .”)).

Plaintiff therefore has not shown good cause for his failure to pay his initial partial filing fee as required by 28 U.S.C. § 1915(b)(1)(A). In light of his apparent misunderstanding regarding his savings account, the Court will extend Plaintiff’s deadline to comply with its two previous Orders. Plaintiff is directed that he must, *no later than August 10, 2017*, do one of the following: (1) pay the full \$350.00 filing fee, (2) pay the \$0.48 initial partial fee, or (3) show, in writing, good cause for the failure to pay. If Plaintiff fails to comply with this final deadline, this action will be subject to dismissal without prejudice to refiling and with no fees or costs imposed. *See* LCvR 3.4(a).

If Plaintiff encounters any difficulties accessing his account funds in order to comply with this Order, he may present this Order to prison officials or seek further assistance from the Court.

IT IS SO ORDERED this 27th day of July, 2017.



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CHARLES B. GOODWIN  
UNITED STATES MAGISTRATE JUDGE