

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

EARL HOWARD,)	
)	
Plaintiff,)	
)	
VS.)	No. 2:15-cv-2800-JDT-dkv
)	
MEMPHIS POLICE DEPT., ET AL.,)	
)	
Defendants.)	

ORDER GRANTING EXTENSION OF TIME TO COMPLY WITH
28 U.S.C. § 1915(a)(2) OR PAY THE \$400 CIVIL FILING FEE

On December 14, 2015, the *pro se* prisoner Plaintiff, Earl Howard, filed a complaint pursuant to 42 U.S.C. § 1983 and a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) However, the affidavit submitted by Plaintiff was not accompanied by a certification by the trust account officer and a copy of his trust account statement, as required by 28 U.S.C. § 1915(a)(2). Accordingly, the Court issued an order on December 15, 2015, directing Plaintiff to submit either the entire civil filing fee or an *in forma pauperis* affidavit containing the necessary information. Plaintiff also was advised that he could seek one 30-day extension of time to comply, if necessary. (*Id.* at 2.)

On December 31, 2015, Plaintiff submitted another *in forma pauperis* affidavit that also was not accompanied by a copy of his trust account statement. (ECF No. 5.) On January 15, 2016, the Clerk received a letter from Plaintiff that the Court treated as a motion for extension of time to file the necessary documents. (ECF No. 6.) Plaintiff

states that he has asked the floor counselor, but has not yet received his trust account information. For good cause shown, the motion for an extension of time is GRANTED.

Plaintiff shall submit, within 30 days after the date of this order, either the entire \$400 civil filing fee or a copy of his trust account statement for the last six months.¹

Plaintiff is reminded that if he fails to comply with this order in a timely manner, the Court will deny leave to proceed *in forma pauperis*, assess the \$400 filing fee without regard to the installment payment procedure, and dismiss the action without further notice pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute. *See McGore v. Wrigglesworth*, 114 F.3rd 601, 605 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

IT IS SO ORDERED

s/James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ Plaintiff does not need to submit another *in forma pauperis* affidavit.