

United States District Court
Southern District of Texas

ENTERED

April 04, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

EDWARD MOORE,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 2:17-CV-121
	§	
JANE DOE, <i>et al</i> ,	§	
	§	
Defendants.	§	

ORDER

Plaintiff is a Texas inmate who filed this civil rights action appearing *pro se*. Pending is Plaintiff's application to proceed *in forma pauperis*. (D.E. 2). Plaintiff currently has \$1,587.63 in his inmate account. (D.E. 3). The filing fee is \$350.00. Plaintiff appears to have the ability to pay the filing fee.

Further, Plaintiff's application to proceed *in forma pauperis* is incomplete. Plaintiff has not fully answered any of the questions in the application. For example, with regard to question 1, Plaintiff answered "Yes" to having received money from friends and family, however he failed to state the source of the money and the amount received as required by the question. Additionally, Plaintiff answered question 2 "Yes" as to having money in a checking or savings account including his inmate account, however, he failed to state the total value of the items owned as required by question 2. Finally, Plaintiff did not answer question 3 with regard to whether he owns real estate, stocks, bonds, notes, automobiles, or other valuable property.

Therefore, it is **ORDERED** that Plaintiff shall either pay the full filing fee within twenty (20) days of the date of this order or explain to this Court in writing within that time why he is unable to pay the filing fee.

It is further **ORDERED** that if Plaintiff persists in seeking to proceed *in forma pauperis*, he shall resubmit a fully completed application to proceed *in forma pauperis*. Plaintiff shall answer each question completely.

Plaintiff is cautioned his case may be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to comply with court orders. *See also Martinez v. Johnson*, 104 F.3d 769, 772 (5th Cir. 1997)(holding district courts have the power to *sua sponte* dismiss a cause of action for failure to prosecute). Plaintiff is further advised that if the Court later grants his application to proceed *in forma pauperis* he will be required to pay the full filing fee in installments pursuant to the Prison Litigation Reform Act. *See* 28 U.S.C. § 1915(b)(1). Plaintiff may voluntarily dismiss his case within twenty (20) days if he does not want to pay the filing fee.

ORDERED this 3rd day of April, 2017.


Jason B. Libby
United States Magistrate Judge