

United States District Court
Southern District of Texas

ENTERED

November 16, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

FRANK JOSEPH DAYS,

Plaintiff,

VS.

FRANKIE REESCANO, *et al.*,

Defendants.

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CIVIL ACTION NO. 3:16-CV-194

ORDER

The plaintiff in this prisoner civil rights case, Frank Joseph Days (TDCJ # 02004027), has filed a motion for leave to proceed *in forma pauperis* (“IFP”) (Dkt. 4). Days filed his application using the standard form, which the Court appreciates. However, Days filed a prisoner trust fund account statement which lacks certain information that the Court needs to evaluate his IFP application and, if necessary, to calculate a proper initial filing fee under 28 U.S.C. § 1915(b). The Court needs an account statement that includes both: (1) the average monthly deposits to Days’s account for the six-month period immediately preceding the filing of the complaint; and (2) the average monthly balance in Days’s account for the six-month period immediately preceding the filing of the complaint.

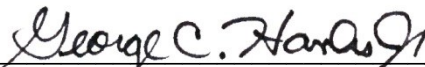
Days is **ORDERED** to submit a certified copy of his prisoner trust fund account statement containing the information described in 28 U.S.C. § 1915(b) within thirty days of the date of this order. Days is advised to request a certified copy of his trust fund

account statement from the unit law librarian or other designated prison official at his unit.

Days's motion for the appointment of counsel (Dkt. 2) is **DENIED**. The appointment of counsel is not necessary at this time. Days's motion for leave to file an amended complaint (Dkt. 7) is also **DENIED**. Days has not alleged any personal involvement on the part of the TDCJ officials he wishes to add as defendants, nor has he alleged that either official implemented unconstitutional policies that causally resulted in a deprivation of his Constitutional rights. *See Porter v. Epps*, 659 F.3d 440, 446 (5th Cir. 2011).

The Clerk will provide a copy of this order to the parties.

SIGNED at Galveston, Texas, this 16th day of November, 2016.



George C. Hanks Jr.
United States District Judge