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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
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10 GARY ALLEN WINTERS,
11 Plaintiff,

12 v.

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14 SERGEANT JOSEPH VANICEK and
15 UNION GAP POLICE CHIEF,
16 Defendants.
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1:15-cv-03123-SAB

**ORDER DISMISSING
COMPLAINT WITHOUT
PREJUDICE**

18 By Order filed September 2, 2015, the Court instructed Mr. Winters to file a
19 new application to proceed in forma pauperis. Plaintiff had initiated this action
20 pursuant to 42 U.S.C. § 1983, and indicated on the complaint form that he had
21 been released from incarceration. ECF No. 1. The transmittal envelope indicated
22 a residential address in Yakima, Washington. ECF No. 1-2. He sought leave to
23 proceed in forma pauperis.

24 Under the Prison Litigation Reform Act, there is no mechanism for
25 collecting the filing fee in partial payments as mandated by the statute once a
26 prisoner has been released from incarceration. 28 U.S.C. § 1915(b)(2). Therefore,
27 Plaintiff was told to file a new in forma pauperis application within thirty (30)
28 days. A copy of the Order was mailed to Plaintiff, but returned on September 16,

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE -- 1

1 2015, as undeliverable. Plaintiff has not kept the court informed of his current
2 address and has filed nothing further in this action.

3 On September 30, 2015, Attorney Kirk A. Ehlis, entered a notice of
4 appearance on behalf of the named Defendants. The Court did not direct a
5 response to the complaint under 42 U.S.C. § 1997e(g)(1), and no answer has been
6 filed. Indeed, this action has not yet commenced as the filing fee was not paid as
7 required by 28 U.S.C. § 1914, and an appropriate application to proceed in forma
8 pauperis by a non-prisoner has not been filed.

9 Therefore, **IT IS ORDERED** the Complaint is **DISMISSED without**
10 **prejudice** for want of prosecution.

11 **IT IS SO ORDERED.** The District Court Executive is directed to enter
12 this Order, forward a copy to Plaintiff at his last known address, and close the file.
13 Defendants' counsel shall receive notice electronically in the ordinary course of
14 business.

15 **DATED** this 5th day of October 2015.



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A handwritten signature in blue ink that reads "Stanley A. Bastian".

21 Stanley A. Bastian
22 United States District Judge
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