

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 16, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES M. HARTJEN,

Plaintiff,

V.

No. 2:21-CV-00259-SAB

UNITED STATES FBI,

Defendants.

**ORDER DISMISSING ACTION
FOR FAILURE TO COMPLY
WITH FILING FEE AND *IN
FORMA PAUPERIS*
REQUIREMENTS**

On August 23, 2021, Plaintiff James M. Hartjen filed this construed *pro se* civil rights complaint, while detained at the Eastern State Hospital. ECF No. 1. Plaintiff did not pay the filing fee or apply to proceed *in forma pauperis* under the Prison Litigation Reform Act, 28 U.S.C. § 1915. The complaint was unsigned. ECF No. 1.

By letter dated August 31, 2021, the Clerk’s Office advised Plaintiff of these deficiencies. ECF No. 2. The letter was returned on September 20, 2021, ECF No. 3, and then resent to Plaintiff at the address he provided on September 21, 2021. The Clerk’s Office provided Plaintiff with an application form to proceed *in forma pauperis* to complete and return and instructed him to sign and submit the signature page of his complaint. ECF No. 2. Plaintiff did not comply with these directives and has filed nothing further in this action.

**ORDER DISMISSING ACTION FOR FAILURE TO COMPLY WITH
FILING FEE AND *IN FORMA PAUPERIS* REQUIREMENTS -- 1**

1 On October 14, 2021, having taken note that Plaintiff was apparently not
2 detained on criminal charges, this Court ordered Plaintiff to submit a completed
3 application to proceed *in forma pauperis* and sign and resubmit the signature page
4 of his complaint within **thirty days** of the date of that Order. ECF No. 4. In the
5 alternative, Plaintiff was advised that he could pay the full \$402.00 filing fee. *Id.*
6 The Court cautioned Plaintiff that his failure to comply with these directives would
7 result in the dismissal of this case. *Id.* Plaintiff neither paid the filing fee nor
8 returned the application to proceed *in forma pauperis* by the due date of November
9 15, 2021.

10 Accordingly, **IT IS HEREBY ORDERED:**

11 1. This action is **DISMISSED WITHOUT PREJUDICE** for failure to pay the
12 filing fee or comply with the *in forma pauperis* requirements of 28 U.S.C.
13 §§ 1914, 1915.

14 2. The Clerk's Office is directed to **ENTER JUDGMENT** and **CLOSE** the
15 file.

16 3. The Court certifies any appeal of this dismissal would not be taken in good
17 faith.

18 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
19 provide copies to *pro se* Plaintiff at his last known address.

20 **DATED** this 16th day of November 2021.



24 Stanley A. Bastian

25 Stanley A. Bastian
26 Chief United States District Judge
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