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

Aug 02, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

DEAN ALBRECHT,

No. 2:22-cv-00084-MKD

Plaintiff,

v.

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

SPOKANE COUNTY, MR.
SPARBER, CHAPLAIN, SGT
PURCELL, MR. SCOTT, OFFICER
SMITH, and LT WIRTH,

Defendants.

Plaintiff Dean Albrecht, a prisoner at the Washington Corrections Center

(WCC), filed this *pro se* civil rights Complaint on April 11, 2022, along with three
other plaintiffs in Case No. 2:22-CV-00066-MKD. ECF No. 1. On April 25,
2022, this Court directed the Clerk of Court to sever the case and ordered the
plaintiffs to proceed in four separate civil actions. No. 2:22-CV-00066-MKD,
ECF No. 13.

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

1 Plaintiff, who was a prisoner at the Spokane County Detention Services at
2 the time the Complaint was filed, did not pay the filing fee to commence this
3 action as required by 28 U.S.C. § 1914, nor did he seek leave to proceed *in forma*
4 *pauperis*. By letter dated April 11, 2022, the Clerk of Court advised Plaintiff that
5 he needed to complete and file a Declaration and Application to Proceed *in forma*
6 *pauperis* and supplied him with the form. No. 2:22-CV-00066-MKD, ECF No. 8.
7 The Clerk of Court advised Plaintiff that he also needed to provide a statement of
8 his inmate account for the six months immediately preceding the submission of
9 his Complaint (also known as a “PLRA statement”). *Id.* In the alternative, the
10 Clerk of Court directed Plaintiff to pay the full \$402.00 filing fee (\$350.00 filing
11 fee, plus \$52.00 administrative fee) to commence this action. *Id.*

12 On April 29, 2022, Plaintiff filed a Declaration and Application to Proceed
13 *in forma pauperis*. No. 2:22-CV-00084-MKD, ECF No. 4. However, Plaintiff
14 submitted an inmate account statement that only showed transactions beginning
15 on February 17, 2022, without any indication that he had not been incarcerated
16 prior to February 17, 2022. ECF No. 5. On May 3, 2022, this Court issued an
17 Order to Comply with *In Forma Pauperis*/Filing Fee Requirements. ECF No. 7.
18 Plaintiff was ordered to either submit a certified copy of his six-month inmate
19 account statement (or institutional equivalent) for the period immediately
20 preceding April 11, 2022, or explain why he should not be required to do so. *Id.*

1 at 3. In the alternative, Plaintiff was instructed to pay the full \$402.00 filing fee.

2 *Id.*

3 On May 11, 2022, Plaintiff submitted a Notice of Change of Address,
4 informing the Court that he is currently housed at the WCC. ECF No. 9. On June
5 13, 2022, Plaintiff submitted a Second Prisoner Trust Fund Account Statement,
6 which only showed transactions from the WCC from April 28, 2022 through June
7 7, 2022, a time period after his Complaint was filed. ECF No. 10.

8 On June 15, 2022, this Court issued a Second Order to Comply with *In*
9 *Forma Pauperis*/Filing Fee Requirements. ECF No. 11. Plaintiff was ordered to
10 submit all future documents for Court filing to the law librarian or designee for
11 electronic filing pursuant to General Order 16-35-1. *Id.* at 4. He was instructed to
12 obtain and submit certified copies of account statements from each facility where
13 he was confined for the period starting on October 11, 2021 and ending on April
14 11, 2022. *Id.* Alternatively, Plaintiff was instructed to explain why he should not
15 be required to submit copies of his inmate account statements. *Id.*

16 Plaintiff was cautioned that failure to do either within forty-five (45) of the
17 date of the Order would result in the dismissal of this case. ECF No. 11 at 4.
18 Plaintiff did not comply with these directives and has filed nothing further.
19 Therefore, it appears that Plaintiff has abandoned this litigation.

1 Accordingly, **IT IS ORDERED:**

2 1. For the reasons set forth above and in the Court's prior Orders, ECF
3 Nos. 7 and 11, this action is **DISMISSED WITHOUT PREJUDICE** for failure
4 to comply with the filing fee and *in forma pauperis* requirements of 28 U.S.C. §§
5 1914 and 1915.

6 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal
7 of this Order would not be taken in good faith and would lack any arguable basis in
8 law or fact.

9 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
10 **enter judgment**, provide copies to Plaintiff, and **CLOSE** the file.

11 **DATED** August 2, 2022.

12
13 *s/Mary K. Dimke*
14 MARY K. DIMKE
15 UNITED STATES DISTRICT JUDGE
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