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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 TROY DEIMERLY,

12 Plaintiff,

13 v.

14 HAROLD W. CLARKE, *et al*,

15 Defendants.

Case No. C07-5166RBL-KLS

ORDER TO SHOW CAUSE

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19 This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28
20 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an
21 application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a
22 complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper
23 application to proceed *in forma pauperis*.

24 On March 30, 2007, the Clerk received plaintiff's complaint and application to proceed *in forma*
25 *pauperis*. (Dkt. #1). Pursuant to 28 U.S.C. § 1915(a)(2):

26 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or
27 proceeding without prepayment of fees or security therefor . . . shall submit a certified
28 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
the 6-month period immediately preceding the filing of the complaint or notice of appeal,
obtained from the appropriate official of each prison at which the prisoner is or was

1 confined.

2 Plaintiff thus was required to submit a statement showing the balance and activity of his account for the
3 six-month period immediately preceding the filing of his complaint. The prison trust account statement
4 plaintiff filed, however, is for the six-month period ending December 31, 2006, or nearly four months prior
5 to the date he filed his complaint. As such, that statement does not satisfy the requirements of 28 U.S.C. §
6 1915(a)(2).

7 Accordingly, the Court orders the following:

8 (1) Plaintiff shall seek to cure the above deficiency by filing **no later than May 13, 2007**, a
9 copy of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2) showing the
10 balance and activity of his account(s) for the six-month period immediately preceding the
11 filing of his complaint.

12 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**
13 **prosecute this matter and the Court will recommend dismissal of this matter.**

14 (2) The Clerk is directed to send a copy of this Order to plaintiff.

15 DATED this 13th day of April, 2007.

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19 Karen L. Strombom
20 United States Magistrate Judge
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