

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

EXZABRE T. SMITH,

Plaintiff,

v.

CASE NO. 17-3191-SAC

LEAVENWORTH COUNTY JAIL, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed under 28 U.S.C. § 1983. Plaintiff proceeds pro se. As a prisoner seeking leave to proceed in forma pauperis, plaintiff must submit a financial statement showing the amount of funds held in his institutional financial account. See 28 U.S.C. § 1915(b)(2) (a prisoner must submit a certified financial statement for the six months preceding the filing of the complaint) and D.Kan. R. 9.1 (g)(2) (a prisoner seeking leave to proceed in forma pauperis must provide certified financial statement).

At the commencement of this action on November 2, 2017, plaintiff submitted a motion to proceed in forma pauperis (Doc. #2). Because there was no supporting financial statement, the clerk of the court issued a notice of deficiency advising him that he must submit a financial statement and granting to and including December 4, 2017, to provide that documentation.

On December 4, 2017, plaintiff submitted a second motion to proceed in forma pauperis (Doc. #4) but again, he failed to provide the necessary financial support. The clerk of the court therefore issued a second notice of deficiency and directed plaintiff to supply the financial statement on or before January 3, 2018.

There has been no response to that order. The Court therefore will deny the pending motions to appeal and directs plaintiff to submit the \$400.00 filing fee or to show cause why this matter should not be dismissed without prejudice due to his failure to submit the fee or a certified financial statement.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motions to proceed in forma pauperis (Docs. #2 and #4) are denied without prejudice.

IT IS FURTHER ORDERED plaintiff is granted to and including **February 12, 2018**, to submit the \$400.00 filing fee or to show cause why this matter should not be dismissed without prejudice. The failure to file a timely response may result in the dismissal of this matter without additional prior notice.

IT IS SO ORDERED.

DATED: This 12th day of January, 2018, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge