

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Paul Thorit Agneberg v. Yavapai County Board of Supervisors, et al.

Agneberg · No. CV-25-08204-PCT-JAT (JFM) · Decided December 18, 2025

OPINION

1 KM 2 WO 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Paul Thorit Agneberg, No. CV-25-08204-PCT-JAT (JFM) 10 Plaintiff, 11 v. ORDER 12 Yavapai County Board of Supervisors, et 13 al., 14 Defendants. 15 16 Self-represented Plaintiff Paul Thorit Agneberg, who is confined in the Yavapai 17 County Detention Center, filed a civil rights Complaint pursuant to 42 U.S.C. § 1983, an 18 Application to Proceed In Forma Pauperis (Doc.

2), a “Motion for Constitutional Access 19 to Courts” (Doc. 4), and a First Amended Complaint. The Court will deny the Motion, 20 deny the deficient Application to Proceed, and give Plaintiff 30 days to either pay the filing 21 and administrative fees or file a complete Application to Proceed In Forma Pauperis. 22 I. Payment of Filing Fee 23 When bringing an action, a prisoner must either pay the \$350.00 filing fee and a 24 \$55.00 administrative fee in a lump sum or, if granted the privilege of proceeding in forma 25 pauperis, pay the \$350.00 filing fee incrementally as set forth in 28 U.S.C. § 1915(b)(1).

26 An application to proceed in forma pauperis requires an affidavit of indigence and a 27 certified copy of the inmate’s trust account statement (or institutional equivalent) for the 28 six months preceding the filing of the Complaint. 28 U.S.C. § 1915(a)(2). An inmate must 1 submit statements from each institution where he was confined during the six-month 2 period.

Id. To assist prisoners in meeting these requirements, the Court requires use of a 3 form application. LRCiv 3.4. 4 If a prisoner is granted leave to proceed in forma pauperis, the Court will assess an 5 initial partial filing fee of 20% of either the average monthly deposits or the average 6 monthly balance in Plaintiff’s account, whichever is greater. 28 U.S.C. § 1915(b)(1).

An 7 initial partial filing fee will only be collected when funds exist. 28 U.S.C. § 1915(b)(4). 8 The balance of the \$350.00 filing fee will be collected in monthly payments of 20% of the 9 preceding month’s income credited to an inmate’s account, each time the amount in the 10 account exceeds \$10.00. 28 U.S.C. § 1915(b)(2). 11 II. Application Fails to Comply with Statute 12 Plaintiff has not used the court-approved form for prisoners seeking to proceed in 13 forma pauperis and has not submitted a certified six-month trust account statement (or 14 institutional equivalent).

In light of these deficiencies, the Court will deny the Application 15 to Proceed and will give Plaintiff 30 days to either pay the \$405.00 filing and administrative 16 fees or file a complete Application to Proceed In Forma Pauperis and certified six-month 17 trust account statement. 18 III. Motion 19 In his Motion for Constitutional Access, Plaintiff claims he is denied paper for filing 20 motions in his cases.

To the extent Plaintiff is represented by counsel in his criminal case, 21 a prisoner who is represented by counsel “has no constitutional right of access to legal 22 materials.” United States v. Robinson, 913 F.2d 712, 717 (9th Cir. 1990). With respect to 23 this case, Plaintiff has filed both his two-page Motion for Constitutional Access and a 24 sixteen-page First Amended Complaint.

Plaintiff has not alleged facts showing he is 25 unable to file documents in this case due to a lack of writing of supplies. The Court will 26 deny the Motion. 27.... 28.... 1 IV. Warnings 2 A. Address Changes 3 Plaintiff must file and serve a notice of a change of address in accordance with Rule 4 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other 5 relief with a notice of change of address.

Failure to comply may result in dismissal of this 6 action. 7 B. Possible Dismissal 8 If Plaintiff fails to timely comply with every provision of this Order, including these 9 warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*, 10 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure 11 to comply with any order of the Court).

12 IT IS ORDERED: 13 (1) Plaintiff’s Application to Proceed In Forma Pauperis (Doc. 2) is denied 14 without prejudice. 15 (2) Within 30 days of the date this Order is filed, Plaintiff must either pay the 16 \$350.00 filing fee and \$55.00 administrative fee or file a complete Application to Proceed 17 In Forma Pauperis and a certified six-month trust account statement (or institutional 18 equivalent).

19 (3) If Plaintiff fails to either pay the \$350.00 filing fee and \$55.00 administrative 20 fee or file a complete Application to Proceed In Forma Pauperis within 30 days, the Clerk 21 of Court must enter a judgment of dismissal of this action without prejudice and without 22 further notice to Plaintiff and deny any pending unrelated motions as moot. 23 (4) Plaintiff’s Motion for Constitutional Access (Doc.

4) is denied without 24 prejudice. 25.... 26.... 27.... 28.... 1 (5) The Clerk of Court must mail Plaintiff a court-approved form for filing an Application to Proceed In Forma Pauperis (Non-Habeas). 3 Dated this 18th day of December, 2025. 4 ° 7 James A. Teil Org Senior United States District Judge 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 Instructions for Prisoners Applying for Leave to Proceed In Forma Pauperis Pursuant to 28 U.S.C. § 1915 in a

Civil Action (Non-habeas) in Federal Court You must pay the \$350.00 filing fee plus the \$55.00 administrative fees for a civil action.

If you later file an appeal, you will be obligated to pay the \$505.00 filing fee for the appeal. If you have enough money to pay the full \$405.00 filing and administrative fees, you should send a cashier's check or money order payable to the Clerk of the Court with your complaint. If you do not have enough money to pay the full \$405.00 filing and administrative fees, you can file the action without prepaying the fees.

However, the Court will assess an initial partial filing fee. The initial partial filing fee will be the greater of 20% of the average monthly deposits or 20% of the average monthly balance in your prison or jail account for the six months immediately preceding the filing of the lawsuit.

The Court will order the agency that has custody of you to withdraw the initial partial filing fee from your prison or jail account as soon as funds are available and to forward the money to the Court. After the initial partial filing fee has been paid, you will owe the balance of the \$350.00 filing fee (you will not be required to pay the \$55.00 administrative fee).

Until the filing fee is paid in full, each month you will owe 20% of your preceding month's income. The agency that holds you in custody will collect that money and forward it to the Court any time the amount in your account exceeds \$10.00. These installment fees are calculated on a per-case basis. This means that you will be required to pay 20% of your preceding month's income for each civil non-habeas corpus case in which you have an outstanding filing fee balance.

For example, if you are making payments toward filing fee balances in two civil non-habeas corpus cases, 40% of your preceding month's income will be collected each month. The balance of the filing fee may be collected even if the action is later dismissed, summary judgment is granted against you, or you fail to prevail at trial.

To file an action without prepaying the filing fee, and to proceed with an action in forma pauperis, you must complete the attached form and return it to the Court with your complaint. You must have a prison or jail official complete the certificate on the bottom of the form and attach a certified copy of your prison or jail account statement for the last six months.

If you were incarcerated in a different institution during any part of the past six months, you must attach a certificate and a certified copy of your account statement from each institution at which you were confined. If you submit an incomplete form or do not submit a prison or jail account statement with the form, your request to proceed in forma pauperis will be denied.

Even if some or all of the filing fee has been paid, the Court is required to dismiss your action if: (1) your allegation of poverty is untrue; (2) the action is frivolous or malicious; (3) your complaint does not state a claim upon which relief can be granted; or (4) your complaint makes a claim

against a defendant for money damages and that defendant is immune from liability for money damages.

If you file more than three actions or appeals which are dismissed as frivolous or malicious or for failure to state a claim on which relief can be granted, you will be prohibited from filing any other action in forma pauperis unless you are in imminent danger of serious physical injury.

Name and Prisoner/Booking Number

Place of Confinement

Mailing Address

City, State, Zip Code IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

CASE NO.

Plaintiff, APPLICATION TO PROCEED v. IN FORMA PAUPERIS BY A PRISONER

CIVIL (NON-HABEAS) Defendant(s).

I,, declare, in support of my request to proceed in the above entitled case without prepayment of fees under 28 U.S.C. § 1915, that I am unable to pay the fees for these proceedings or to give security therefor and that I believe I am entitled to relief.

In support of this application, I answer the following questions under penalty of perjury: 1. Have you ever before brought an action or appeal in a federal court while you were incarcerated or detained? GYes GNo If “Yes,” how many have you filed?. Were any of the actions or appeals dismissed because they were frivolous, malicious, or failed to state a claim upon which relief may be granted?

GYes GNo If “Yes,” how many of them?. 2. Are you currently employed at the institution where you are confined? GYes GNo If “Yes,” state the amount of your pay and where you work. 3. Do you receive any other payments from the institution where you are confined? GYes GNo If “Yes,” state the source and amount of the payments. 1 4. Do you have any other sources of income, savings, or assets either inside or outside of the institution where you are confined?

GYes GNo If “Yes,” state the sources and amounts of the income, savings, or assets. I declare under penalty of perjury that the above information is true and correct.

DATE SIGNATURE OF APPLICANT ACKNOWLEDGEMENT OF COLLECTION OF FILING FEES FROM TRUST ACCOUNT I,, acknowledge that upon granting this Application, the Court will order designated correctional officials at this institution, or any other correctional institution to which I am transferred, to withdraw money from my trust account for payment of the filing fee, as required by 28 U.S.C. § 1915(b).

The Court will require correctional officials to withdraw an initial partial payment equal to 20% of the greater of: (A) the average monthly deposits to my account for the six-month period preceding my filing of this action, or (B) the average monthly balance in my account for the six-month period preceding my filing of this action.

After the initial payment, if the amount in my account is at least \$10.00, the Court will require correctional officials to withdraw from my account 20% of each month's income and forward it to the Court until the required filing fee is paid in full. I understand that I am required to pay the entire fee, even if my case is dismissed by the Court before the fee is fully paid.

I further understand that if I file more than one action, correctional officials will be ordered to withdraw 20% of each month's income, for each action, simultaneously. Accordingly, if I have filed two actions, correctional officials will withdraw 40% of my income each month; three actions will require 60% of my income each month, etc. _____

DATE SIGNATURE OF APPLICANT
CERTIFICATE OF CORRECTIONAL OFFICIAL AS TO STATUS OF APPLICANT=S TRUST
ACCOUNT I,, certify that as of the date applicant signed this application: (Printed name of official) The applicant=s trust account balance at this institution is: \$ The applicant=s average monthly deposits during the prior six months is: \$ The applicant=s average monthly balance during the prior six months is: \$ The attached certified account statement accurately reflects the status of the applicant=s account.

DATE AUTHORIZED SIGNATURE TITLE/ID NUMBER INSTITUTION