

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Jacob Raymond Douglas Shuffler, by and through Next Friend
Gregory Lee Cook v. State of Arizona, et al.

No. CV-25-08238-PCT-JAT (MTM) (D. Ariz. Jan. 12, 2026) · No. No. CV-25-08238-PCT-JAT (MTM) ·
Decided January 12, 2026

SUMMARY

The United States District Court for the District of Arizona denied Gregory Lee Cook’s request to proceed as the next friend of incarcerated plaintiff Jacob Raymond Douglas Shuffler. Because Cook did not establish the requirements for next-friend standing, the court dismissed the § 1983 action without prejudice for lack of jurisdiction and directed the Clerk to provide Shuffler with forms for filing a new action.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	James A. Teilborg
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 12, 2026
DOCKET	No. CV-25-08238-PCT-JAT (MTM)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A purported next friend filed a pro se 42 U.S.C. § 1983 complaint on behalf of an incarcerated plaintiff. The district court denied next-friend status and dismissed the complaint and action without prejudice for lack of standing and jurisdiction.
PRECEDENTIAL VALUE	Unknown

TOPICS

- standing
- subject matter jurisdiction
- section 1983
- prisoners rights
- civil rights

PRACTICE AREAS

- civil rights
- federal jurisdiction
- prisoner litigation
- civil procedure

QUESTIONS PRESENTED

1. Whether Gregory Lee Cook established Article III standing to prosecute a civil-rights action as the next friend of incarcerated plaintiff Jacob Raymond Douglas Shuffler.
2. Whether the complaint and action should be dismissed without prejudice when the purported next friend failed to establish standing.

HOLDINGS

1. Cook lacked Article III standing to pursue the action on his own behalf because he did not establish an injury in fact fairly traceable to the challenged conduct and redressable by a favorable decision.
2. Cook did not establish the requirements for next-friend standing because he failed to provide an adequate explanation why Shuffler could not appear on his own behalf and did not otherwise show entitlement to next-friend status.
3. The complaint and action were dismissed without prejudice for lack of jurisdiction because Cook lacked standing to proceed as Shuffler's next friend.

KEY QUOTATIONS

“Under Article III of the United States Constitution, a federal court cannot consider the merits of a legal claim unless the person seeking to invoke the jurisdiction of the court establishes the requisite standing to sue.” (at 1)

“To qualify for “next friend” standing, a “next friend” must “provide an adequate explanation—such as inaccessibility, mental incompetence, or other disability—why the real party in interest cannot appear on his own behalf to prosecute the action,” must be “truly dedicated to the best interests of the person on whose behalf he seeks to litigate,” and “must have some significant relationship with the real party in interest.”” (at 2)

“The burden is on the ‘next friend’ clearly to establish the propriety of his status and thereby justify the jurisdiction of the court.” (at 2)

FACTUAL BACKGROUND

Gregory Lee Cook filed a pro se civil-rights complaint under 42 U.S.C. § 1983 on behalf of incarcerated plaintiff Jacob Raymond Douglas Shuffler. Cook proceeded as Shuffler's purported next friend but did not provide an adequate explanation why Shuffler could not appear on his own behalf or otherwise establish entitlement to next-friend status. Cook also had no standing to pursue the action in his own right.

PROCEDURAL HISTORY

On November 7, 2025, Gregory Lee Cook filed the complaint and paid the filing fee as the purported next friend of Jacob Raymond Douglas Shuffler, who was incarcerated in the Mohave County Jail. The district court determined that Cook had not established the requirements for next-friend standing, denied that status, dismissed the complaint and action without prejudice, and directed the Clerk to enter judgment and mail approved forms for filing a new action.

DISPOSITION

dismissed

CASES CITED

- Whitmore v. Arkansas, 495 U.S. 149 (1990)
- Steel Co. v. Citizens for a Better Environment, 523 U.S. 83 (1998)

OPINION

1 KEB 2 WO 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Jacob Raymond Douglas Shuffler, by No. CV-25-08238-PCT-JAT (MTM) and through Next Friend Gregory Lee 10 Cook, 11 Plaintiff, ORDER 12 v. 13 State of Arizona, et al., 14 Defendants. 15 16 On November 7, 2025, Gregory Lee Cook filed a pro se civil rights Complaint 17 pursuant to 42 U.S.C. § 1983 (Doc.

1) and paid the filing fee as the purported “next friend” 18 of Plaintiff Jacob Raymond Douglas Shuffler, who is incarcerated in the Mohave County 19 Jail in Kingman, Arizona.¹ The Court will deny Mr. Cook’s “next friend” status and 20 dismiss the Complaint and this action without prejudice. 21 Under Article III of the United States Constitution, a federal court cannot consider 22 the merits of a legal claim unless the person seeking to invoke the jurisdiction of the court 23 establishes the requisite standing to sue.

Whitmore v. Arkansas, 495 U.S. 149, 154 (1990). 24 A litigant demonstrates standing by showing that he or she has suffered an injury in fact 25 that is fairly traceable to the challenged action and is redressable by a favorable judicial 26 decision. Steel Co. v. Citizens for a Better Env’t, 523 U.S. 83, 103 (1998). Mr. Cook has 27 28 1 <https://www.mohave.gov/departments/sheriff/press-release>. [<https://perma.cc/6E5K-LS4U>].

1 no standing on his own in this action. 2 However, “next friend” standing “has long been an accepted basis for jurisdiction 3 in certain circumstances.” Whitmore, 495 U.S. at 162. “Most frequently, ‘next friends’ 4 appear in court on behalf of detained prisoners who are unable, usually because of mental 5 incompetence or inaccessibility, to seek relief themselves.” Id. 6 “[N]ext friend’ standing is by no means granted automatically to whomever seeks 7 to pursue an action on behalf of another.” Id. To qualify for “next friend” standing, a “next 8 friend” must “provide an adequate explanation—such as inaccessibility, mental 9 incompetence, or other disability—why the real party in interest cannot appear on his own 10 behalf to prosecute the action,” must be “truly dedicated to the best interests of the person 11 on whose behalf he seeks to litigate,” and “must have some significant relationship with 12 the real party in interest.” Id. at 163–64. “The burden is on the ‘next friend’ clearly to 13 establish the propriety of his status and thereby justify the jurisdiction of the court.” Id. 14 at 164.

15 Mr. Cook does not provide an adequate explanation why Plaintiff cannot appear on 16 his own to prosecute this civil rights action and has not otherwise shown he is entitled to 17 next friend status. Accordingly, Mr. Cook does not have standing to proceed as “next 18 friend” of Plaintiff, and the Court will dismiss the Complaint and this action for lack of 19 jurisdiction.

20 If Plaintiff wants to file a civil rights complaint pursuant to 42 U.S.C. § 1983, he 21 must file his complaint on a court-approved form in a new action, accompanied by either 22 the statutory filing fee or an Application to Proceed In Forma Pauperis.

As a courtesy, the 23 Court will direct the Clerk of Court to send Plaintiff this Court’s approved forms for filing 24 a civil rights complaint and an Application to Proceed In Forma Pauperis. Plaintiff may 25 not, however, file those documents in this action; he must file a new action. 26 IT IS ORDERED: 27 (1) Gregory Lee Cook’s next friend standing is denied.

28 1 (2) |The Complaint (Doc. 1) and this action are dismissed without prejudice, 2| and the Clerk of Court must enter judgment accordingly. 3 (3) The Clerk of Court must send Gregory Lee Cook a copy of this Order at 4} 11056 E. Calle Gila, Kingman, AZ 86401. 5 (4) The Clerk of Court must mail Plaintiff the current court-approved forms for 6| filing a civil rights complaint by a prisoner and an Application to Proceed In Forma 7 | Pauperis (Non-Habeas) at the following address: Mohave County Jail, 501 W. Historic Rte.

8 | 66, Kingman, AZ 86401. 9 Dated this 12th day of January, 2026. 10 12 13 _ James A. Teil Org Senior United States District Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -3- Instructions for a Prisoner Filing a Civil Rights Complaint in the United States District Court for the District of Arizona 1. Who May Use This Form.

The civil rights complaint form is designed to help incarcerated persons prepare a complaint seeking relief for a violation of their federal civil rights. These complaints typically concern, but are not limited to, conditions of confinement. This form should not be used to challenge your conviction or sentence. If you want to challenge a state conviction or sentence, you should file a petition under 28 U.S.C. ' 2254 for a writ of habeas corpus by a person in state custody.

If you want to challenge a federal conviction or sentence, you should file a motion under 28 U.S.C. § 2255 to vacate sentence in the federal court that entered the judgment. 2. The Form. Local Rule of Civil Procedure (LRCiv) 3.4 provides that complaints by incarcerated persons must be filed on the court-approved form.

The form must be typed or neatly handwritten. The form must be completely filled in to the extent applicable. All questions must be answered clearly and concisely in the appropriate space on the form. If needed, you may attach additional pages, but no more than fifteen additional pages, of standard letter-sized paper. You must identify which part of the complaint is being continued and number all pages.

If you do not fill out the form properly, you will be asked to submit additional or corrected information, which may delay the processing of your action. You do not need to cite law. 3. Your Signature. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury. 4.

The Filing and Administrative Fees. The total fees for this action are \$405.00 (\$350.00 filing fee plus \$55.00 administrative fee). If you are unable to immediately pay the fees, you may request leave to proceed in forma pauperis. Please review the “Information for Prisoners Seeking Leave to Proceed with a (Non-Habeas) Civil Action in Federal Court In Forma Pauperis Pursuant to 28 U.S.C. ' 1915” for additional instructions.

5. Original and Judge=s Copy. You must send an original plus one copy of your complaint and of any other documents submitted to the Court. You must send one additional copy to the Court if you wish to have a file-stamped copy of the document returned to you. All copies must be identical to the original. Copies may be legibly handwritten. This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.

6. Where to File. You should file your complaint in the division where you were confined when your rights were allegedly violated. See LRCiv 5.1(a) and 77.1(a). If you were confined in Maricopa, Pinal, Yuma, La Paz, or Gila County, file in the Phoenix Division. If you were confined in Apache, Navajo, Coconino, Mohave, or Yavapai County, file in the Prescott Division.

If you were confined in Pima, Cochise, Santa Cruz, Graham, or Greenlee County, file in the Tucson Division. Unless you are an inmate housed at an Arizona Department of Corrections facility that participates in electronic filing, mail the original and one copy of the complaint with the \$405 filing and administrative fees or the application to proceed in forma pauperis to: 1 Revised 11/6/24 Phoenix & Prescott Divisions: OR Tucson Division: U.S. District Court Clerk U.S. District Court Clerk U.S. Courthouse, Suite 130 U.S. Courthouse, Suite 1500 401 West Washington Street, SPC 10 405 West Congress Street Phoenix, Arizona 85003-2119 Tucson, Arizona 85701-5010 7.

Change of Address. You must immediately notify the Court and the defendants in writing of any change in your mailing address. Failure to notify the Court of any change in your mailing address may result in the dismissal of your case. 8. Certificate of Service. You must furnish the defendants with a copy of any document you submit to the Court (except the initial complaint and application to proceed in forma pauperis).

Each original document (except the initial complaint and application to proceed in forma pauperis) must include a certificate of service on the last page of the document stating the date a copy of the document was mailed to the defendants and the address to which it was mailed. See Fed. R. Civ. P.

5(a), (d). Any document received by the Court that does not include a certificate of service may be stricken.

This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing. A certificate of service should be in the following form: I hereby certify that a copy of the foregoing document was mailed this (month, day, year) to: Name: Address: Attorney for Defendant(s) (Signature) 9. Amended Complaint.

If you need to change any of the information in the initial complaint, you must file an amended complaint. The amended complaint must be written on the court- approved civil rights complaint form. You may file one amended complaint without leave (permission) of Court within 21 days after serving it or within 21 days after any defendant has filed an answer, whichever is earlier.

See Fed. R. Civ. P. 15(a). Thereafter, you must file a motion for leave to amend and lodge (submit) a proposed amended complaint. LRCiv 15.1. In addition, an amended complaint may not incorporate by reference any part of your prior complaint. LRCiv 15.1(a)(2). Any allegations or defendants not included in the amended complaint are considered dismissed. All amended complaints are subject to screening under the Prison Litigation Reform Act; screening your amendment will take additional processing time.

10. Exhibits. You should not submit exhibits with the complaint or amended complaint. Instead, the relevant information should be paraphrased. You should keep the exhibits to use to support or oppose a motion to dismiss, a motion for summary judgment, or at trial. 11. Letters and Motions. It is generally inappropriate to write a letter to any judge or the staff of any judge.

The only appropriate way to communicate with the Court is by filing a written pleading or motion. 2 12. Completing the Civil Rights Complaint Form. HEADING: 1. Your Name. Print your name, prison or inmate number, and institutional mailing address on the lines provided. 2. Defendants. If there are four or fewer defendants, print the name of each. If you name more than four defendants, print the name of the first defendant on the first line, write the words “and others” on the second line, and attach an additional page listing the names of all of the defendants.

Insert the additional page after page 1 and number it “1- A” at the bottom. 3. Jury Demand. If you want a jury trial, you must write “JURY TRIAL DEMANDED” in the space below “CIVIL RIGHTS COMPLAINT BY A PRISONER.” Failure to do so may result in the loss of the right to a jury trial. A jury trial is not available if you are seeking only injunctive relief. Part A. JURISDICTION: 1.

Nature of Suit. Mark whether you are filing the complaint pursuant to 42 U.S.C. ' 1983 for state, county, or city defendants; “Bivens v. Six Unknown Federal Narcotics Agents” for federal defendants; or “other.” If you mark “other,” identify the source of that authority. 2. Location. Identify the institution and city where the alleged violation of your rights occurred.

3. Defendants. Print all of the requested information about each of the defendants in the spaces provided. If you are naming more than four defendants, you must provide the necessary information about each additional defendant on separate pages labeled "2-A," "2-B," etc., at the bottom. Insert the additional page(s) immediately behind page 2. Part B. PREVIOUS LAWSUITS: You must identify any other lawsuit you have filed in either state or federal court while you were a prisoner.

Print all of the requested information about each lawsuit in the spaces provided. If you have filed more than three lawsuits, you must provide the necessary information about each additional lawsuit on a separate page. Label the page(s) as "2-A," "2-B," etc., at the bottom of the page and insert the additional page(s) immediately behind page 2. Part C. CAUSE OF ACTION: You must identify what rights each defendant violated.

The form provides space to allege three separate counts (one violation per count). If you are alleging more than three counts, you must provide the necessary information about each additional count on a separate page. Number the additional pages "5-A," "5-B," etc., and insert them immediately behind page 5. Remember that you are limited to a total of fifteen additional pages.

3 1. Counts. You must identify which civil right was violated. You may allege the violation of only one civil right per count. 2. Issue Involved. Check the box that most closely identifies the issue involved in your claim. You may check only one box per count. If you check the box marked "Other," you must identify the specific issue involved. 3. Supporting Facts.

After you have identified which civil right was violated, you must state the supporting facts. Be as specific as possible. You must state what each individual defendant did to violate your rights. If there is more than one defendant, you must identify which defendant did what act. You also should state the date(s) on which the act(s) occurred, if possible. 4.

Injury. State precisely how you were injured by the alleged violation of your rights. 5. Administrative Remedies. You must exhaust any available administrative remedies before you file a civil rights complaint. See 42 U.S.C. § 1997e. Consequently, you should disclose whether you have exhausted the inmate grievance procedures or administrative appeals for each count in your complaint.

If the grievance procedures were not available for any of your counts, fully explain why on the lines provided. Part D. REQUEST FOR RELIEF: Print the relief you are seeking in the space provided. SIGNATURE: You must sign your name and print the date you signed the complaint. Failure to sign the complaint will delay the processing of your action. Unless you are an attorney, you may not bring an action on behalf of anyone but yourself.

FINAL NOTE You should follow these instructions carefully. Failure to do so may result in your complaint being stricken or dismissed. All questions must be answered concisely in the proper

space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number the pages.

4 _____ Name and Prisoner/Booking Number
_____ Place of Confinement
_____ Mailing Address
_____ City, State, Zip Code (Failure to notify the
Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA
_____, (Full Name of Plaintiff) Plaintiff, v. CASE
NO. _____ (To be supplied by the Clerk) (1)
_____, (Full Name of Defendant) CIVIL RIGHTS
COMPLAINT (2) _____, BY A PRISONER (3)
_____, G Original Complaint (4)
_____, G First Amended Complaint G Second Amended
Complaint Defendant(s).

G Check if there are additional Defendants and attach page 1-A listing them. A. JURISDICTION
1. This Court has jurisdiction over this action pursuant to: G 28 U.S.C. § 1343(a); 42 U.S.C. §
1983 G 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).
G Other:. 2. Institution/city where violation occurred:. 550/555 B. DEFENDANTS 1.

Name of first Defendant:. The first Defendant is employed as:

at_____. (Position and Title) (Institution) 2. Name of
second Defendant:.

The second Defendant is employed as: as:

at_____. (Position and Title) (Institution) 3. Name of
third Defendant:. The third Defendant is employed as:

at_____. (Position and Title) (Institution) 4. Name of
fourth Defendant:.

The fourth Defendant is employed as: _____
at_____. (Position and Title) (Institution) If you name
more than four Defendants, answer the questions listed above for each additional Defendant on a

separate page. C. PREVIOUS LAWSUITS 1. Have you filed any other lawsuits while you were a prisoner?

G Yes G No 2. If yes, how many lawsuits have you filed?. Describe the previous lawsuits: a. First prior lawsuit: 1. Parties: v. 2. Court and case number:. 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) b. Second prior lawsuit: 1. Parties: v. 2. Court and case number:. 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) c. Third prior lawsuit: 1.

Parties: v. 2. Court and case number:. 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page. D. CAUSE OF ACTION COUNT I 1. State the constitutional or other federal civil right that was violated: 2. Count I. Identify the issue involved.

Check only one. State additional issues in separate counts. G Basic necessities G Mail G Access to the court G Medical care G Disciplinary proceedings G Property G Exercise of religion G Retaliation G Excessive force by an officer G Threat to safety G Other:. 3. Supporting Facts. State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights.

State the facts clearly in your own words without citing legal authority or arguments. 4. Injury. State how you were injured by the actions or inactions of the Defendant(s). 5. Administrative Remedies: a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? G Yes G No b. Did you submit a request for administrative relief on Count I?

G Yes G No c. Did you appeal your request for relief on Count I to the highest level? G Yes G No d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. 3 COUNT II 1. State the constitutional or other federal civil right that was violated: 2. Count II. Identify the issue involved. Check only one.

State additional issues in separate counts. G Basic necessities G Mail G Access to the court G Medical care G Disciplinary proceedings G Property G Exercise of religion G Retaliation G Excessive force by an officer G Threat to safety G Other:. 3. Supporting Facts. State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights.

State the facts clearly in your own words without citing legal authority or arguments. 4. Injury. State how you were injured by the actions or inactions of the Defendant(s). 5. Administrative Remedies. a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? G Yes G No b. Did you submit a request for administrative relief on Count II?

G Yes G No c. Did you appeal your request for relief on Count II to the highest level? G Yes G No
d. If you did not submit or appeal a request for administrative relief at any level, briefly explain
why you did not. 4 COUNT III 1. State the constitutional or other federal civil right that was
violated: 2. Count III. Identify the issue involved. Check only one.

State additional issues in separate counts. G Basic necessities G Mail G Access to the court G
Medical care G Disciplinary proceedings G Property G Exercise of religion G Retaliation G
Excessive force by an officer G Threat to safety G Other:. 3. Supporting Facts. State as briefly as
possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do
that violated your rights.

State the facts clearly in your own words without citing legal authority or arguments. 4. Injury.
State how you were injured by the actions or inactions of the Defendant(s). 5. Administrative
Remedies. a. Are there any administrative remedies (grievance procedures or administrative
appeals) available at your institution? G Yes G No b. Did you submit a request for administrative
relief on Count III?

G Yes G No c. Did you appeal your request for relief on Count III to the highest level? G Yes G
No d. If you did not submit or appeal a request for administrative relief at any level, briefly
explain why you did not. If you assert more than three Counts, answer the questions listed above
for each additional Count on a separate page. 5 E. REQUEST FOR RELIEF State the relief you
are seeking: I declare under penalty of perjury that the foregoing is true and correct.

Executed on DATE SIGNATURE OF PLAINTIFF

or other person who helped prepare this complaint)

(Name and title of paralegal, legal assistant,
(Signature of attorney, if any)
(Attorney=s address & telephone number)

ADDITIONAL PAGES All questions must be answered concisely in the proper space on the form.

If you need more space, you may attach no more than fifteen additional pages. But the form must
be completely filled in to the extent applicable. If you attach additional pages, be sure to identify
which section of the complaint is being continued and number all pages. 6 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