

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Freeman Erick David Shute

(b) County of Residence of First Listed Plaintiff Salem
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

See Filed Suit

County of Residence of First Listed Defendant Salem
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF ☐ 1 | DEF ☒ 1 | Incorporated or Principal Place of Business In This State | PTF ☐ 4 | DEF ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☒ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☒ 360 Other Personal Injury	PERSONAL INJURY ☐ 362 Personal Injury - Med. Malpractice ☐ 365 Personal Injury - Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Regs. ☐ 660 Occupational Safety/Health ☐ 690 Other	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 444 Welfare ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 440 Other Civil Rights	PRISONER PETITIONS ☐ 510 Motions to Vacate Sentence Habeas Corpus: ☐ 530 General ☐ 535 Death Penalty ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition	LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609
				☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities/Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Information Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Constitutional Violation and Constitutional Demand

Brief description of cause:
9th Amendment and 7th Amendment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
 JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

RECEIVED

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

FEB 16 2012

AT 8:30

WILLIAM T. WALSH

CLERK

To be filed in: district court of the United States. Inferior Court of the supreme Court known as Mitchell H. Cohen United States Courthouse 400 Cooper Street, Room 1050 Camden New Jersey 08102-1570 856-757-5021	RECEIVED FEB 16 2012 Attest: <u>WILLIAM T. WALSH</u> M CLERK ▲ court use only ▲
Plaintiff/Injured people: From: Freeman Erick David of the Family Shute Administrator for ERICK D. SHUTE Mailing address: Freeman Erick David of the Family Shute 324 S. Hook Rd Pennsville, New Jersey [08070]	
Defendants: See included List of Defendants	
Federal Question: Violation of certain rights and Rights retained by a people/freeman as protected by Amendment IX to the Constitution for the United States of America <i>"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"</i> and demand for lawful tribunal as instructed in the Amendment VII to the Constitution for the United States of America. <i>"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law"</i>	
<u>Suit at common law</u> <u>to be made public record</u>	

1. **For the Record I Freeman Erick David of the Family Shute claim the Right** and hereby wish for this Suit if challenged by any Defendant, to be settled by a lawful tribunal at law composed of twelve (12) people/freemen.
2. **For the Record I Freeman Erick David of the Family Shute claim the Right** and hereby make official demand for the Right of trial by jury as protected by the Seventh Amendment to the Constitution of the United States a Right which is preserved to the people inviolate.
3. **For the Record I Freeman Erick David of the Family Shute claim the Right** and hereby make official demand for the Right to cause the array or panel of jurors for this trial to include only those jurors who are sworn to uphold the unalienable Rights of the people and who are themselves freemen not subjects of any State or corporation.

4. For the Record I Freeman Erick David of the Family Shute claim the Right and hereby make official demand for the Right to have all matters which questions the admissibility of evidence and appeals to be decided by a lawful grandjury of twenty-five (25) freemen sworn to uphold the unalienable Rights of the people and who are themselves freemen not subjects of any State or corporation.

5. For the Record I Freeman Erick David of the Family Shute claim the Right and hereby wish for the jury to provide the requested remedy for damages caused collectively by the Defendants should any of the Defendants challenge the liability of their actions. See attached Remedy for Damages.

COMPLAINT

1. **For the Record I Freeman Erick David of the Family Shute claim** that none of the *Defendants* have made any claims against the "Oath and Affirmation to the sovereign people on this land known as North America and all fifty united states" filed with the New Jersey Superior Court Salem County Courthouse 87 Market St. 92 Market Street P.O. Box 462 Salem, NJ 08079 Salem NJ 08079 and therefore have acquiesced to all the claims therein.
2. **For the Record I Freeman Erick David of the Family Shute claim** that the *men* and *women* responsible for the incarceration of **Freeman Erick David of the Family Shute** have failed to honor the "**DEMAND FOR PROOF OF JURISDICTION**" filed with New Jersey Superior Court Salem County Courthouse 87 Market St. 92 Market Street P.O. Box 462 Salem, NJ 08079 Salem NJ 08079 and therefore are personally liable to **Freeman Erick David of the Family Shute** for damages.
3. **For the Record, I, Freeman Erick David of the Family Shute, claim** that on January 25th of 2012, while exercising my common law Right to make use of the highway, I was kidnapped by an armed *man* acting as New Jersey State Patrol Legetti.
4. **For the Record I Freeman Erick David of the Family Shute claim** that the man acting as *Sheriff Charles M. Miller* has committed fraud by failing to honor the **ORDER FOR FREEDOM** delivered to him and is therefore personally liable to **Freeman Erick David of the Family Shute** for damages.
5. **For the Record I Freeman Erick David of the Family Shute claim** the *Defendants* violated my unalienable Right to enjoy my Freedom by forcing me into their jail against my will for exercising my Right to be free.
 - A. Currently being kidnapped since January 25th 2012 at Salem County Correctional Facility 125 Cemetery Road Woodstown , NJ 08098.
 - B. Previously kidnapped for 64 days at Salem County Correctional Facility 125 Cemetery Road Woodstown , NJ 08098.

6. **For the Record I Freeman Erick David of the Family Shute claim** that my Rights were violated by three armed men *Michael Gibison* and *Harry Wariwanchik* and *Jason Efelis* by forcibly removing me from the safety of my private auto and kidnapping me on March 23rd 2011.

A. *Michael Gibison* and *Harry Wariwanchik* and *Jason Efelis* extracted me from my private auto on March 23rd 2011, I was incarcerated on March 23rd 2011. I exited their prison on May 26th 2011.

7. **For the Record I Freeman Erick David of the Family Shute claim** that Defendant *Tom DeSimone* acting as New Jersey Superior Court Salem County Courthouse Prosecutor violated my unalienable Right to witness the New Jersey Superior Court Salem County Courthouse proceeding on January 23rd 2012 related to *ERICK D. SHUTE* by threatening my three (3) witnesses *Aaron M. Broadway* and *Kevin T. Talbot* and *Dylan J. Griffin*, with incarceration.

8. **For the Record I Freeman Erick David of the Family Shute claim** that Defendant *Joseph Neal* has acted with fraud against my wish in his capacity of Attorney in the matter related to *ERICK D. SHUTE* by acting as my Attorney without my consent.

KNOWN DEFENDANTS

Liable for Remedy 1, 2 and 3.

Don Miller: (acts under color of law as Criminal Case mgmt Team Leader)

Tom DeSimone: (acts under color of law as Procecuting Attorney)

Michael Gibison : (acts under color of law as Police Officer)

Harry Wariwanchik: (acts under color of law as Police Officer)

Jason Efelis: (acts under color of law as Police Officer)

Scott Volk: (acts under color of law as Criminal Division Manager)

Timothy G. Farrell : (acts under color of law as J.S.C. For Superior Court of New Jersey Salem)

Joseph Neal: (acts under color of law as Public Defender for Superior Court of New Jersey Salem)

Charles M. Miller: (acts under color of law as Sheriff Charles M. Miller for Salem County)

Men and women: (acting under color of law as guards for Salem County Correctional Facility 125 Cemetery Road Woodstown , NJ 08098)

Unknown Defendants: (acting under color of law as Municipal or corporate Officers and Employees)

I Freeman Erick David of the Family Shute reserve the Right to amend this **Suit at common law** as new information becomes available.

REMEDY

1. 1oz of 0.999 pure gold or it's \$Dollar\$ equivalent for each hour **Freeman Erick David of the Family Shute** was held captive in prison against his will as accepted via my "FEE SCHEDULE" by the armed man acting as New Jersey State Patrol Legetti (to be paid collectively by all Defendants) or Defendants can pay by serving the maximum prison sentence called for under State and Federal Statutes which ever is greater for the crime of kidnapping.
2. ?oz of 0.999 pure gold or it's \$Dollar\$ equivalent from the Defendants collectively for committing fraud.
(? to be decided by the jury)
3. ?oz of 0.999 pure gold or it's \$Dollar\$ equivalent for abuse of a public office against one of the people **Freeman Erick David of the Family Shute**.
(? to be decided by the jury)

A: I was unlawfully incarcerated on March 23rd 2011. I exited their prison on May 26th 2011.

This is at least 64 days at Salem County Correctional Facility 125 Cemetery Road Woodstown , NJ 08098

64 days x 24 hrs = 1,536 hrs;

1,536 hrs = 1,536 oz of 0.999 pure gold or its \$DOLLAR\$ equivalent

B: I am currently unlawfully incarcerated since January 25th 2012.
The remedy for this time is currently continuing to accrue.

Federal State and Statutes

United States Code

TITLE 18--CRIMES AND CRIMINAL PROCEDURE

PART I--CRIMES

CHAPTER 13--CIVIL RIGHTS

Sec. 242. Deprivation of rights under color of law

Whoever, under **color of any law, statute, ordinance, regulation, or custom**, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of **any rights**, privileges, or immunities secured or **protected by the Constitution** or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be **fined** under this title or imprisoned not more than **one year**, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, **attempted use**, or **threatened use** of a **dangerous weapon**, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include **kidnapping** or an **attempt to kidnap**, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be **fined** under this title, or **imprisoned** for any term of **years** or **for life**, or **both**, or may be **sentenced to death**.

New Jersey Statutes

2C:13-1 Kidnapping.

2C:13-1. Kidnapping. a. Holding for ransom, reward or as a hostage. A person is guilty of kidnapping if he **unlawfully removes another from the place where he is found** or if he unlawfully confines another with the **purpose of holding that person for ransom** or reward or as a shield or hostage.

b. Holding for other purposes. A person is guilty of kidnapping if he unlawfully removes another from his place of residence or business, or a **substantial distance from the vicinity where he is found**, or if he unlawfully confines another for a substantial period, with any of the following purposes:

- (1) To facilitate commission of any crime or flight thereafter;
- (2) To inflict bodily injury on or to terrorize the victim or another;
- (3) To interfere with the performance of any governmental or political function;

or

- (4) To permanently deprive a parent, guardian or other lawful custodian of custody of the victim.

c. Grading of kidnapping. (1) Except as provided in paragraph (2) of this subsection, kidnapping is a crime of the first degree and upon conviction thereof, a person may, notwithstanding the provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced to an ordinary term of imprisonment between **15 and 30 years**. If the actor releases the victim unharmed and in a safe place prior to apprehension, it is a crime of the second degree.

(2) Kidnapping is a crime of the first degree and upon conviction thereof, an actor shall be sentenced to a term of imprisonment by the court, if the victim of the kidnapping is less than 16 years of age and if during the kidnapping:

(a) A crime under N.J.S.2C:14-2 or subsection a. of N.J.S.2C:14-3 is committed against the victim;

(b) A crime under subsection b. of N.J.S.2C:24-4 is committed against the victim; or

(c) The actor **sells or delivers** the victim to another person for **pecuniary gain** other than in circumstances which lead to the return of the victim to a parent, guardian or other person responsible for the general supervision of the victim.

Notwithstanding the provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, the term of imprisonment imposed under this paragraph shall be either a term of **25 years** during which the actor shall not be eligible for parole, or a specific term between **25 years and life imprisonment**, of which the actor shall serve 25 years before being eligible for parole; provided, however, that the crime of kidnapping under this paragraph and underlying aggravating crimes listed in subparagraph (a), (b) or (c) of this paragraph shall merge for purposes of sentencing. If the actor is convicted of the criminal homicide of a victim of a kidnapping under the provisions of chapter 11, any sentence imposed under provisions of this paragraph shall be served consecutively to any sentence imposed pursuant to the provisions of chapter 11.

d. "Unlawful" removal or **confinement**. A removal or confinement is unlawful within the meaning of this section and of sections 2C:13-2 and 2C:13-3, if it is accomplished by **force, threat or deception**, or, in the case of a person who is under the age of 14 or is incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.

e. It is an affirmative defense to a prosecution under paragraph (4) of subsection b. of this section, which must be proved by clear and convincing evidence, that:

(1) The actor reasonably believed that the action was necessary to preserve the victim from **imminent danger to his welfare**. However, no defense shall be available pursuant to this subsection if the actor does not, as soon as reasonably practicable but in no event **more than 24 hours** after taking a victim under his protection, give notice of the victim's location to the police department of the municipality where the victim resided, the office of the county prosecutor in the county where the victim resided, or the Division of Youth and Family Services in the Department of Children and Families;

(2) The actor reasonably believed that the taking or detaining of the victim was consented to by a parent, or by an authorized State agency; or

(3) The victim, being at the time of the taking or concealment not less than 14 years old, was taken away at his own volition by his parent and without purpose to commit a criminal offense with or against the victim.

f. It is an affirmative defense to a prosecution under paragraph (4) of subsection b. of this section that a parent having the right of custody reasonably believed he was fleeing from imminent physical danger from the other parent, provided that the parent having custody, as soon as reasonably practicable:

(1) Gives notice of the victim's location to the police department of the municipality where the victim resided, the office of the county prosecutor in the county where the victim resided, or the Division of Youth and Family Services in the Department of Children and Families; or

(2) Commences an action affecting custody in an appropriate court.

g. As used in subsections e. and f. of this section, "parent" means a parent, guardian or other lawful custodian of a victim.

Amended 1979, c.178, s.23; 1986, c.172, s.2; 1999, c.190, s.1; 2006, c.47, s.24.

2C:13-2. Criminal restraint

A person commits a crime of the third degree if he knowingly:

a. Restrains another unlawfully in circumstances exposing the other to risk of serious **bodily injury**; or

b. Holds another in a condition of **involuntary servitude**.

The creation by the actor of circumstances resulting in a belief by another that he must remain in a particular location shall for purposes of this section be deemed to be a holding in a condition of **involuntary servitude**.

In any prosecution under subsection b., it is an affirmative defense that the person held was a child less than 18 years old and the actor was a relative or legal guardian of such child and his sole purpose was to assume control of such child.

L.1978, c. 95, s. 2C:13-2, eff. Sept. 1, 1979.

2C:13-3. False imprisonment

A person commits a disorderly persons offense if he knowingly restrains another unlawfully so as to interfere substantially with his **liberty**. In any prosecution under this section, it is an affirmative defense that the person restrained was a child less than 18 years old and that the actor was a relative or legal guardian of such child and that his sole purpose was to assume control of such child.

In Truth and Honor

I reserve the Right to Amend this **Suit at common law** as the evidence is collected and more defendants are located.

On this day 16th of the month February of the year 2012,

Linda L Shute as common law counsel
By Order of Freeman Erick David of the Family Shute
Administrator for ERICK DAVID SHUTE

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STATES DISTRICT COURT
for the
District of New Jersey

Freeman Erick David Shute

Plaintiff/Petitioner

v.

See Filed Suit

Defendant/Respondent

Civil Action No.

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: Salem County Correctional Facility

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ 0.00, and my take-home pay or wages are: \$ 0.00 per
(specify pay period) _____

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|--|------------------------------|--|
| (a) Business, profession, or other self-employment | ☐ Yes | ☒ No |
| (b) Rent payments, interest, or dividends | ☐ Yes | ☒ No |
| (c) Pension, annuity, or life insurance payments | ☐ Yes | ☒ No |
| (d) Disability, or worker's compensation payments | ☐ Yes | ☒ No |
| (e) Gifts, or inheritances | ☐ Yes | ☒ No |
| (f) Any other sources | ☐ Yes | ☒ No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

RECEIVED

FEB 16 2012

AT 8:30 M
WILLIAM T. WALSH
CLERK

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account: \$ 0.00

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value):
None

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense):
Cell phone \$45 monthly

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 02/16/2012

Linda L Shute as common law counsel
Applicant's signature

Linda L Shute common law counsel
Printed name

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

FREEMAN ERICK DAVID
Plaintiff,

V.

DON MILLER, et al.
Defendant.

**ORDER ON APPLICATION
TO PROCEED WITHOUT
PREPAYMENT OF FEES**

Case Number: 12-cv-00969-RBK-KMW

Having considered the application to proceed without prepayment of fees under 28 U.S.C. § 1915;

IT IS ORDERED that the application is:

☐ **GRANTED, and**

☐ **The clerk is directed to file the complaint, and**

☐ **IT IS FURTHER ORDERED that the clerk issue summons and the United States marshal serve a copy of the complaint, summons and this order upon the defendant(s) as directed by the plaintiff. All costs of service shall be advanced by the United States.**

☐ **DENIED, for the following reasons:**

☐ **and the Clerk is directed to close the file.**

Plaintiff may submit a filing fee of \$350.00 within 30 days from the date of this order to reopen the case.

ENTER this _____ day of _____, 20__

Signature of Judicial Officer

Name and Title of Judicial Officer