

**UNITED STATES COURT OF APPEALS**

**MAY 23 2003**

**TENTH CIRCUIT**

**PATRICK FISHER**  
Clerk

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C. ELI-JAH HAKEEM  
MUHAMMAD, also known as  
Christopher Hijrah Mitchell,

Plaintiff-Appellant,

v.

M. V. PUGH, ADX-Warden; ADX-  
MAILROOM INMATE SYSTEMS  
MANAGER-OFFICERS; K. HAWK-  
SAWYER, BOP - Director; BOP,  
Office of Information and Privacy, et  
al.; ADX-STEP-DOWN UNIT  
SCREENING COMMITTEE, Unit  
Operations (Programs); ADX-  
ADMINISTRATIVE REMEDY  
COORDINATOR; BCP-NCRO  
ADMINISTRATIVE REMEDY  
COORDINATOR; BOP-CENTRAL  
OFFICE ADMINISTRATIVE  
REMEDY COORDINATOR,

Defendants-Appellees.

No. 03-1034  
(District of Colorado)  
(D.C. No. 02-Z-1465)

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**ORDER AND JUDGMENT\***

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\*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

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Before **SEYMOUR, MURPHY, and O'BRIEN**, Circuit Judges.

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After examining appellant's brief and the appellate record, this court has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Appellant Eli-Jah Hakeem Muhammad, a federal prisoner incarcerated in Colorado, filed a *pro se* complaint asserting violations of his federal civil rights. The district court granted Muhammad's motion to proceed *in forma pauperis* and ordered Muhammad to pay an initial partial filing fee of \$19.00 or show cause why he had no means by which to pay the initial fee. *See* 28 U.S.C. § 1915(b)(1). Muhammad was specifically directed that to show cause he was required to file a current certified copy of his prison trust fund account statement. He was also warned that his complaint would be dismissed if he failed to either pay the initial partial filing fee or show cause within thirty days. Muhammad did not pay the partial filing fee or provide the current trust fund account statement. Consequently, the district court dismissed the complaint without prejudice. Muhammad then brought this appeal.

In its order dismissing Muhammad's complaint without prejudice, the district court set out at length the numerous opportunities Muhammad was given

to file a certified trust fund account statement. Although a certified copy of his prison trust fund account statement is attached to the motion to proceed *in forma pauperis* Muhammad has filed with this court, Muhammad does not provide a comprehensible explanation for his failure to provide a copy of his trust fund account statement to the district court pursuant to that court's order. Accordingly, this court **affirms** the district court's dismissal of Muhammad's complaint without prejudice. Muhammad's motion to proceed *in forma pauperis* on appeal is **granted**. Muhammad is reminded that he remains obligated to continue making partial payments until his appellate filing fee is paid in full. *See id.* § 1915(b).

ENTERED FOR THE COURT

Michael R. Murphy  
Circuit Judge