

State of Minnesota

District Court

County WASHINGTON

Judicial District:	10TH
Court File Number:	82-CV-22-4952
Case Type:	General

Stephen Carl Allwine

 Plaintiff/Petitioner

**Order Dismissing or Restricting
 Inmate In Forma Pauperis Action**

vs.
 Commissioner of Washington County Community Services,

 Defendant/Respondent

Based upon the evidence before the court and the authority of Minn. Stat. §563.02, the Court finds:

1. a. The claim of financial inability to pay fees and costs is false.
- b. The court is unable to determine whether the allegation of financial inability is false.
2. a. The action, or a portion of it, is frivolous or malicious, because:
 1. It has no arguable basis in law or in fact, or
 2. It is substantially similar to a previous claim brought against the same party that resulted in an adjudication on the merits, or
 3. Other: _____
- b. The court is unable to determine whether the action is frivolous or malicious.

Therefore, IT IS ORDERED:

1. The action is dismissed without prejudice (a copy of this order be provided to the commissioner).
2. The action is dismissed with prejudice (a copy of this order be provided to the commissioner).
3. The following portions of this action are dismissed: _____

4. The plaintiff/respondent may proceed with the following issues: _____

against the following defendants/respondents: _____

5. The Commissioner of Corrections is to file a report under oath responding to a claim that may have no arguable basis in law or fact, or may have already been litigated.
6. The Commissioner of Corrections is to furnish information on the balance in the inmate's account, if authorized by the inmate.
7. A hearing will be held at the correctional facility where the inmate is confined to determine whether the plaintiff has financial ability to pay the fees whether the action is frivolous or malicious.

Dated: _____
Judge of District Court

MINNESOTA
JUDICIAL
BRANCH