

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JIMMIE BOZEMAN, #163 240

*

Plaintiff,

*

v.

* CIVIL ACTION NO.2:05-CV-646-F
WO

B.A. JONES, *et al.*,

*

Defendants.

*

ORDER ON MOTION

Upon consideration of Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. No. 2), it is

ORDERED that the motion is GRANTED.¹

Upon review of the financial information provided to the court, it is clear that Plaintiff lacks the necessary funds in his prison account to pay either the requisite filing fee or an initial partial filing fee. However, under the provisions of 28 U.S.C. § 1915, Plaintiff is required to pay the \$250.00 filing fee applicable to the filing of a civil action in this court. Specifically, 28 U.S.C. § 1915(b)(1) requires that this court "assess and, when funds exist, collect" the \$250.00 filing fee from all monies available to Plaintiff.

In light of the foregoing, and in accordance with the provisions of 28 U.S.C. §

¹Attached to this order is a notice explaining the requisite procedures for filing civil actions *in forma pauperis* under 28 U.S.C. § 1915.

1915(b)(2), it is further ORDERED that:

1. Plaintiff shall make monthly payments of 20 percent of the monies credited to and/or maintained in his prison account as payments towards the \$250.00 filing fee;
2. Those persons having custody of Plaintiff shall forward the above described payments from Plaintiff's account to the clerk of this court each time the amount in Plaintiff's account exceeds \$10.00 until the \$250.00 filing fee is paid in full; and
3. To aid Plaintiff and those persons having custody of him in complying with the requirements of this order, the Clerk of Court IS DIRECTED to furnish a copy of this order to Plaintiff and the inmate account clerk at the Bullock Correctional Facility Jail.²

Done, this 18th day of July, 2005.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE

²Plaintiff is advised that if this case is dismissed for any reason he remains obligated to pay the \$250.00 filing fee. The filing fee will be collected from any funds which become available to Plaintiff and will be forwarded to this court by those persons having custody of Plaintiff pursuant to the directives contained in this order.

Additionally, Plaintiff is advised that if he files a notice of appeal he will likewise be required to pay the requisite appellate filing fee which is currently \$255.00. Thus, if at the time Plaintiff files a notice of appeal he has the necessary funds to pay the \$255.00 filing fee, he must submit such amount to the court with the notice of appeal. If the requisite funds are not available and Plaintiff seeks to proceed *in forma pauperis* on his appeal, he must complete an affidavit in support of such request and supply the court with a certified copy of his prison account statement for the 6-month period preceding the filing of the appeal. However, Plaintiff is informed that regardless of this court's determination on his *in forma pauperis* motion the entire appellate filing fee will be collected from those persons having custody of him from funds available in his prison account in a manner similar to that outlined in this order.