

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

DAVID WILLIAMS
ADC #78730

PLAINTIFF

V.

NO: 2:10CV00039 JMM

KATHY STEWART *et al.*

DEFENDANTS

ORDER

On August 26, 2011, the Eighth Circuit Court of Appeals affirmed the judgment of this Court, granted Plaintiff leave to proceed *in forma pauperis*, and the full \$455.00 appellate filing and docketing fees against Plaintiff (docket entry #140). The Court of Appeals has remanded the assessment and collection of the fees to this Court.

Based on financial information Plaintiff has supplied (docket entry #130), the Court will not assess an initial partial filing fee. However, Plaintiff will be obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's trust account each time the amount in the account exceeds \$10.00. The Arkansas Department of Correction ("ADC") is required to send to the Clerk of the Court payments from Plaintiff's prison trust account each time the amount in the account exceeds \$10.00, until the statutory filing and docketing fees of \$455.00 are paid in full. 28 U.S.C. § 1915(b)(2).

IT IS THEREFORE ORDERED THAT:

1. The Director of the ADC, or his designee, or any future custodian, shall collect from Plaintiff's prison trust account the \$455.00 filing and docketing fees by collecting monthly payments from Plaintiff's prison trust account in an amount equal to 20% of the preceding month's income

credited to the prisoner's trust account, and forwarding payments to the Clerk of the Court each time the amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2). The payments shall be clearly identified by the name and number assigned to this action.

2. The Clerk of the Court is directed to send a copy of this order to: (1) the Warden of the Varner Unit, P.O. Box 600, Grady, AR 71644-0600; (2) the ADC Trust Fund Centralized Banking Office, Post Office Box 8908, Pine Bluff, Arkansas, 71611; and (3) the ADC Compliance Office, P.O. Box 20550, Pine Bluff, Arkansas 71612-0550.

DATED this 24th day of October, 2011.


UNITED STATES DISTRICT JUDGE