

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

MARK A. BUTLER

PLAINTIFF

V.

CASE NO. 3:10CV00032 JMM

KEITH BLACKMAN, et al.

DEFENDANTS

ORDER

On February 16, 2010, Plaintiff brought this action under 42 U.S.C. § 1983 (docket entry #1). Upon review of the record, the Court notes that Plaintiff has not filed a motion to proceed *in forma pauperis* or paid the statutory filing fee. The statutory filing fee for a complaint under 42 U.S.C. § 1983 is \$350.00. Under the Prison Litigation Reform Act (“PLRA”), a prisoner who is permitted to file a civil action *in forma pauperis* still must pay the \$350.00 statutory filing fee. 28 U.S.C. §1915(b)(1). The only question is whether a prisoner will pay the entire filing fee at the initiation of the proceeding or in installments over a period of time. *Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998).

The PLRA requires that Plaintiff submit a proper and complete application to proceed *in forma pauperis*, along with a calculation sheet, prepared and signed by an authorized officer of the correctional facility where he is being held. Based on information contained in the application and calculation sheet, the Court will assess an initial, partial filing fee if sufficient funds exist and will direct the future collection of monthly installment payments until the filing fee is paid in full. 28 U.S.C § 1915(b)(1)-

(2). If the prisoner's case is subsequently dismissed for any reason, including a determination that it is frivolous, malicious, fails to state a claim, or seeks monetary relief against a defendant who is immune from such relief, the full amount of the \$350.00 filing fee will be collected, and no portion of this filing fee will be refunded to the prisoner.

Therefore, if Plaintiff wishes to proceed with this action, he is directed to file an application to proceed *in forma pauperis*, or pay the filing fee of \$350.00, within thirty days of the entry date of this Order. The Clerk of Court is directed to forward Plaintiff an *in forma pauperis* application, along with a copy of this Order. Failure to comply with this Order may result in dismissal of this case without prejudice under Local Rule 5.5(c)(2).

IT IS SO ORDERED this 17th day of February, 2010.


UNITED STATES MAGISTRATE JUDGE