

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

TERRICK A. VORNES
ADC #112874

PLAINTIFF

V.

NO: 3:10CV00240 SWW

CHRIS ELLIS *et al.*

DEFENDANTS

ORDER

On February 23, 2011, Plaintiff filed a notice of appeal, appealing the dismissal of his complaint (docket entry #11). Plaintiff has not paid the \$455.00 appellate filing and docketing fees, or filed an application for leave to appeal *in forma pauperis*.

Therefore, pursuant to *Henderson v. Norris*, 129 F.3d 481 (8th Cir. 1997), this Court will assess an initial partial filing fee of \$35.00. Upon payment of that initial partial filing fee, 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 Mississippi County Sheriff is required to send to the Clerk of the Court the initial partial filing fee and thereafter 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 Mississippi County Sheriff, or his designee, shall collect from Plaintiff's prison trust account an initial partial appellate filing fee in the amount of \$35.00, and shall forward the amount to the Clerk of the Court. Said payment shall be clearly identified by the name and number assigned to this action.

2. Thereafter, the Mississippi County Sheriff, or his designee, shall collect from Plaintiff's prison trust account the \$420.00 balance of the appellate 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.

3. The Clerk of the Court is directed to send a copy of this order to the Mississippi County Sheriff, 685 NCR 599, Luxora, AR 72358.

DATED this 6th day of March, 2013.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE