

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

**MICHAEL W. GRIMES**

**PLAINTIFF**

**V.**

**CASE NO. 3:10CV00327 SWW/BD**

**CRAIGHEAD COUNTY DETENTION CENTER, et al.**

**DEFENDANTS**

**ORDER**

On December 21, 2010, Plaintiff, an inmate in the Arkansas Department of Correction (“ADC”), 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 the prisoner pays the entire filing fee at the start of the lawsuit or pays in installments over a period of time. *Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998).

In order to proceed *in forma pauperis*, prisoners must submit a completed application, along with a calculation sheet that has been prepared and signed by an authorized officer of the correctional facility where he is being held. Based on information 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 later 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.

If Mr. Grimes wishes to proceed with this action, he must 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 3rd day of January, 2011.

  
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UNITED STATES MAGISTRATE JUDGE