

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

PAUL FOWLER, WILLIE WELLS,  
TIMOTHY MOSLEY, and SHINDID BRADDOCK

PLAINTIFFS

v.

3:12-cv-00228-BSM-JTK

RONNIE COLEMAN, et al.

DEFENDANTS

**ORDER**

Plaintiffs Wells, Mosley, and Braddock are inmates who filed a Complaint (Doc. No. 2) pursuant to 42 U.S.C. § 1983, without prepayment of the \$350.00 filing fee and costs, or a Motion to Proceed In Forma Pauperis (IFP).<sup>1</sup>

Under the Prison Litigation Reform Act of 1995 (“PLRA”), a prisoner who is permitted to file a civil action in forma pauperis still must pay the full statutory filing fee of \$350. 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). Even if a prisoner is without assets and unable to pay an initial filing fee, he will be allowed to proceed with his § 1983 claims and the filing fee will be collected by the Court in installments from the prisoner’s inmate trust account. 28 U.S.C. § 1915(b)(4). **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 filing fee will be collected and no portion of this filing fee will be refunded to the prisoner.**

The PLRA requires that Plaintiffs submit proper and complete Motions to Proceed In Forma

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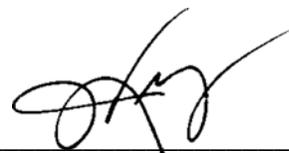
<sup>1</sup>  
Co-Plaintiff Fowler filed a Motion to Proceed In Forma Pauperis (Doc. No. 1).

Pauperis, along with calculation sheets prepared and signed by an authorized officer of the detention center. Plaintiffs must submit, within thirty (30) days from entry of this Order, either: (1) the statutory filing fee of \$350; or (2) proper and complete IFP Motions, **with the required calculation sheets signed by an authorized official of the detention center at which they are confined.** Accordingly,

IT IS THEREFORE ORDERED that Plaintiffs Wells, Mosley, and Braddock must submit either the \$350 statutory filing fee or In Forma Pauperis Motions within thirty days of the entry date of this Order.<sup>2</sup> Failure to submit the filing fee or IFP Motions will result in their dismissal without prejudice from this case.

The Clerk is directed to send to the Plaintiffs In Forma Pauperis Motions, together with the filing fee calculation sheets.

IT IS SO ORDERED this 5<sup>th</sup> day of October, 2012.



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JEROME T. KEARNEY  
UNITED STATES MAGISTRATE JUDGE

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Only one filing fee is required for the filing of this case. However, each Plaintiff must submit a Motion to Proceed In Forma Pauperis. The Plaintiffs are hereby notified of their responsibility to comply with the Local Rules of the Court, including Rule 5.5(c)(2), which states: “. . . If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding pro se shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.”