

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

TRAVIS W. SWINEY

PLAINTIFF

V.

CASE NO. 3:13CV00116 DPM/BD

**MARTY BOYD and
JOE BOBO**

DEFENDANTS

ORDER

Plaintiff Travis W. Swiney, an inmate in the Craighead County Jail, filed a pro se complaint under 42 U.S.C. § 1983. (Docket entry #1) He has filed an incomplete application for leave to leave to proceed *in forma pauperis*. (#3) If he wants to proceed *in forma pauperis*, Mr. Swiney must file a complete application and a calculation sheet prepared and signed by an authorized officer of the correctional facility where he is being held.

Under the Prison Litigation Reform Act, even if Mr. Swiney is allowed to proceed *in forma pauperis*, he still must pay the \$350 filing fee. 28 U.S.C. §1915(b)(1). The only question is how the filing fee will be collected.

Based on information in the application and calculation sheet, the Court will assess an initial, partial filing fee if Mr. Swiney has enough money in his prison trust account. The rest of the filing fee will then be collected in monthly payments until it is paid in full. 28 U.S.C. § 1915(b)(1)-(2). If the case is dismissed for any reason before trial, the full amount of the \$350.00 filing fee will still be collected, and no part of the filing fee will be refunded.

So, if Mr. Swiney wishes to go forward with this case, he must file a complete application to proceed *in forma pauperis* or pay a \$400.00 filing fee within thirty days of the date of this Order.¹ The Clerk of Court is directed to forward Mr. Swiney an *in forma pauperis* application, along with a copy of this Order. Otherwise, the lawsuit will be dismissed.²

IT IS SO ORDERED this 24th day of May, 2013.



UNITED STATES MAGISTRATE JUDGE

¹ Effective May 1, 2013, the cost of filing a civil lawsuit in federal court was increased from \$350.00 to \$400.00. However, if an individual is granted *in forma pauperis* status, the additional \$50.00 is waived, and the filing fee remains \$350.00.

² Local Rule 5.5(c)(2) includes requirements for parties who are not represented by counsel. They must: promptly notify the Clerk and the other parties in the case of any change in address; monitor the progress of the case and to prosecute or defend the case diligently; sign all pleadings and include a current address, zip code, and telephone number; and be familiar with and follow both Local Rules and the Federal Rules of Civil Procedure. Any plaintiff not represented by counsel must respond to communications from the Court within thirty (30) days, or the case can be dismissed.