

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

**COREY MCCULLON  
and KERRY KENDRED**

**PLAINTIFF**

**V.**

**CASE NO. 3:13-CV-00271-BSM/BD**

**BECKY HITT, et al.**

**DEFENDANTS**

**INITIAL ORDER FOR PRO SE PRISONER-PLAINTIFFS**

You have filed this federal civil rights lawsuit pro se, that is, without the help of a lawyer. There are rules and procedures that you must follow in order to proceed with your lawsuit, even though you are not a lawyer.

**First: Follow All Court Rules.** You must comply with the Federal Rules of Civil Procedure as well as Local Rules for the Eastern District of Arkansas. Copies of rules can be found in the jail library.

In particular, Local Rule 5.5(c)(2) explains requirements for plaintiffs, like you, who are not represented by a lawyer:

1. You must promptly notify the Clerk and the other parties in the case of any change in address. You must inform the court if you are transferred from one unit to another. Notifying the court of your change in address is especially important if you are released from custody while your lawsuit is pending. If you do not keep the court informed as to your current address, your lawsuit can be dismissed.
2. You must monitor the progress of your case and prosecute the case diligently.
3. You must sign all pleadings and other papers filed with the court, and each paper you file must include your current address.
4. 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.

**Second: Pay the Filing Fee.** Every civil case filed by a prisoner – including this one – requires the plaintiff to pay a filing fee. A \$400 filing fee must be paid at the beginning of the lawsuit unless the plaintiff cannot afford to pay the entire fee at once. If you cannot afford to pay the filing fee in a lump sum, you may file an application to proceed *in forma pauperis* (“IFP”). If you are granted IFP status, the filing fee is \$350.

Although you have filed a complaint, you have neither paid the filing fee nor applied to proceed IFP. You must do one or the other within 30 days of this order. Enclosed you will find an IFP application, along with a calculation sheet that must be filled out and signed by the custodian of the jail where you are currently being held. If you are granted IFP status, withdrawals will be made from your jail account each month until the \$350.00 is fully paid, even if the lawsuit is dismissed before trial.

Each Plaintiff – both Mr. McCollon and Mr. Kendred– must satisfy his filing fee requirement. Each must either pay \$400 or apply to proceed IFP and pay the \$350 fee in installments.

**Third: No Right to Appointed Counsel.** This is a civil case. Unlike criminal cases, there is no right to have an appointed lawyer in a civil case. If your case proceeds to a jury trial, however, a lawyer will be appointed to assist you before trial.

**Fourth: Do Not File Your Discovery Requests.** Discovery requests, such as interrogatories and requests for documents, are not to be filed with the court. Instead, discovery requests should be sent to counsel for the defendant (or directly to the defendant if he or she is not represented by a lawyer). No discovery should be sent to a defendant until after that defendant has been served with the complaint.

**Fifth: Do Not Send Documents to Court Except in Two Situations.** You may send documents or other evidence to the Court only if attached to a motion for summary judgment or in response to a motion for summary judgment; or if the court orders you to send documents or other evidence.

**Sixth: Provide a Witness List.** If your case is set for trial, as your trial date approaches, you will be asked to provide a witness list. After reviewing the witness list, the Court will subpoena necessary witnesses.

The Clerk of the Court is instructed to send IFP applications to both Corey McCullom and Kerry Kendred, along with a copy of this Order.

IT IS SO ORDERED, this 17th day of December, 2013.

A handwritten signature in black ink, appearing to read "P. J. [unclear]", written in a cursive style.

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UNITED STATES MAGISTRATE JUDGE