

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

CHARLES KENNETH HARRELL, Jr.

PLAINTIFF

V.

3:14CV00199 JM/JTR

CLAYBORN HICKS, Captain,
Mississippi County Jail, et al.

DEFENDANTS

ORDER

Plaintiff, Charles Kenneth Harrell, Jr., is an inmate of the Mississippi County Detention Facility. He has filed a *pro se* § 1983 Complaint (Doc. 1) and a Notice of Filing of Calculation Sheet and Certificate¹ (Doc. 2). Plaintiff has not, however, filed an Application to Proceed *in forma pauperis*. Therefore, if Plaintiff wishes to pursue this action, he must, within **thirty days of the entry of this Order**, either: (1) pay the \$400 filing fee in full; or (2) file a properly completed Application to Proceed *In Forma Pauperis*.

However, Plaintiff should be aware that, even if he is eventually granted permission to proceed *in forma pauperis*, he still must pay the filing fee in full. 28 U.S.C. § 1915(b). The only difference is that, by being granted permission to proceed *in forma pauperis*, Plaintiff will be allowed to pay the filing fee in monthly

¹This filing contains a properly completed Certificate of Prisoner Accounts and Calculation of Initial Payment of Filing Fee, both signed by a prison official.

installments taken from his institutional account, rather than all at once, at the time of filing his Complaint. *Id.* **Further, if Plaintiff'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 filing fee will be collected and no portion of this filing fee will be refunded to Plaintiff.**

IT IS THEREFORE ORDERED THAT:

1. The Clerk is directed to send Plaintiff an Application to Proceed *In Forma Pauperis*.
2. Plaintiff must, **within thirty days of the entry of this Order**, either: (a) pay the \$400 filing fee in full; or (b) file a properly completed Application to Proceed *In Forma Pauperis*.
3. Plaintiff is reminded that the failure to timely and properly comply with any portion of this Order will result in the dismissal of this case, without prejudice, pursuant to Local Rule 5.5(c)(2).

Dated this 26th day of August, 2014.



UNITED STATES MAGISTRATE JUDGE