

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

QUNEY WALTON, et al.

PLAINTIFFS

v.

3:16CV00038-JM-JTK

CRAIGHEAD COUNTY DETENTION FACILITY, et al.

DEFENDANTS

ORDER

Co-Plaintiffs Walton, Collins, Hitchcock, Kendred, Iverson, Manohar, and Coleman, are inmates incarcerated at the Craighead County Detention Facility, who filed a Complaint (Doc. No. 2) pursuant to 42 U.S.C. § 1983. However, only Plaintiff Manohar filed a Motion to Proceed in forma pauperis (IFP) (Doc. No. 1); the other co-Plaintiffs did not submit the \$400.00 filing fee or (IFP) Motions.

Under the Prison Litigation Reform Act (“PLRA”), a prisoner who is permitted to file a civil action in forma pauperis still must pay the full statutory filing fee of \$350.¹ 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/she will be allowed to proceed with his/her §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**

¹ Effective May 1, 2013, the statutory filing fee for civil actions increased to \$400, due to the implementation of a \$50 administrative fee. This \$50 fee does not, however, apply to in forma pauperis actions.

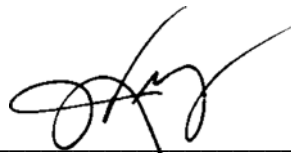
filing fee will be refunded to the prisoner.

The PLRA requires a Plaintiff to submit a proper and complete Motion to Proceed In Forma Pauperis, along with calculation sheet prepared and signed by an authorized officer of the detention center. Plaintiffs Walton, Collins, Hitchcock, Kendred, Iverson, and Coleman must submit, within thirty (30) days from entry of this Order, either: (1) the statutory filing fee of \$400; 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.**² Accordingly,

IT IS THEREFORE ORDERED that Plaintiffs Walton, Collins, Hitchcock, Kendred, Iverson, and Coleman must submit either the \$400 statutory filing fee or IFP Motions, within thirty days of the entry date of this Order.³

The Clerk is directed to send to each Plaintiff an In Forma Pauperis Motion, together with the filing fee calculation sheet.

IT IS SO ORDERED this 4th day of February, 2016.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE

²Only one \$400 filing fee is required; however, each individual Plaintiff must submit a separate IFP Motion, together with a calculation sheet, if he wishes to proceed in forma pauperis.

³ 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.”