

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

JAIDEN MICHELLE RENEE FERGUSON

PLAINTIFF

V.

NO: 3:16CV00229 KGB/PSH

PATRICIA MARSHALL *et al*

DEFENDANTS

ORDER

Plaintiff Jaiden Michelle Renee Ferguson, currently held at the Poinsett County Detention Center, filed a *pro se*¹ complaint, pursuant to 42 U.S.C. § 1983 (Doc. No. 2), along with an application for leave to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915(a) (Doc. No. 1), on August 31, 2016. Because Ferguson has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a), the request to proceed *in forma pauperis* will be granted. *See* 28 U.S.C. § 1915(a).

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 \$350.00. 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, she will

¹Ferguson is notified of her responsibility to comply with the Local Rules of the Court, including Rule 5.5(c)(2), which states: "It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. 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."

be allowed to proceed with 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 \$350.00 filing fee will be collected, and no portion of this filing fee will be refunded to the prisoner.

Based on information Ferguson has provided, the Court will assess an initial partial filing fee of \$2.48. Ferguson will be obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to her prison trust account each time the amount in the account exceeds \$10.00. Ferguson's custodian is requested to send the Clerk of the Court the monthly payments from Ferguson's prison trust account when the amount exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

IT IS THEREFORE ORDERED THAT:

1. Ferguson's motion for leave to proceed *in forma pauperis* (Doc. No. 1) is GRANTED.

2. As Ferguson's present custodian, the Poinsett County Sheriff, or his designee, is directed to collect from Ferguson's institutional account an initial partial filing fee of \$2.48, and to forward that amount to the Clerk of this Court. The payment must be clearly identified by the name and number assigned to this action.

3. Thereafter, the Poinsett County Sheriff, or his designee, or any future custodian, is directed to collect from Ferguson's institutional account the \$347.52 balance of the filing fee by collecting monthly payments equal to 20% of the preceding month's income credited to Ferguson's

account each time the amount in the account exceeds \$10.00. The Poinsett County Sheriff, or his designee, or any future custodian, is further directed to forward the payments to the Clerk of the Court in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the Clerk. The payments also must be clearly identified by the name and number assigned to this action.

4. The Clerk of the Court is directed to send a copy of this order to the Poinsett County Sheriff, 1500 Justice Drive, Harrisburg, AR 72432.

5. Service is not appropriate at this time.

DATED this 9th day of September, 2016.



UNITED STATES MAGISTRATE JUDGE