

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

BELINDA KAYE FRANKS

PLAINTIFF

v.

No. 3:16-cv-251-DPM

JAMIE CLARK, Bondslady, Gulley Bail Bonds;
and GULLEY BAIL BONDS

DEFENDANTS

ORDER

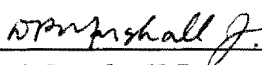
1. Franks's motion to proceed *in forma pauperis*, No 1, is granted. Franks must pay the filing fee, but over time. 28 U.S.C. § 1915(b)(1). The Court won't assess an initial partial filing fee, because Franks can't afford to pay one. But Franks's custodian must collect monthly payments from Franks's prison trust account each time the amount in the account exceeds \$10.00. These payments will be equal to twenty percent of the preceding month's income credited to the account; and they will be collected and forwarded to the Clerk of the Court until the \$350.00 filing fee is fully paid. 28 U.S.C. § 1915(b)(2). The payments forwarded to the Clerk on Franks's behalf must be clearly identified by the case name and case number. The Court directs the Clerk to send a copy of this Order to the Sheriff of the Poinsett County Detention Center, 1500 Justice Drive, Harrisburg, AR 72432.

2. The Court must screen Franks's complaint. 28 U.S.C. § 1915A.

Franks says that Jamie Clark and Gulley Bail Bonds improperly withdrew money from her debit card. But Clark and Gulley Bail Bonds are not state actors who can be sued under § 1983 for allegedly violating the Constitution. Though not precedent, *Murillo v. Liz and Stan Bail Bonds, Inc.*, 138 F. App'x 868 (8th Cir. 2005) is persuasive authority based on the facts and the precedents it relies on.

3. Franks's complaint will be dismissed without prejudice for failure to state a claim. This dismissal constitutes a "strike" within the meaning of 28 U.S.C. § 1915(g). An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.



D.P. Marshall Jr.
United States District Judge



30 September 2016