

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

CLESTER BILLS

PLAINTIFF

V.

CASE NO. 3:17-CV-113 JM

MELISSA RICHARDSON, et al.

DEFENDANTS

ORDER

On May 24, 2017, the Court ordered plaintiff Clester Bills to pay the \$400 filing and docketing fees or file an application to proceed in forma pauperis, or else this case would be dismissed without prejudice. (Doc. No. 3).

On June 12, 2017, Plaintiff filed a motion to proceed *in forma pauperis*, but the application is incomplete; Plaintiff did not submit a certificate or certified trust fund calculation sheet signed by an authorized official. (Doc. No. 4). Accordingly, Plaintiff's motion to proceed in forma pauperis is denied without prejudice.

Under the Prison Litigation Reform Act of 1995, a prisoner who is permitted to file a civil action *in forma pauperis* still must pay the full statutory filing fee of \$350.00, but the \$50.00 administrative fee is waived. 28 U.S.C. §1915(b)(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 will be allowed to proceed with his 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).

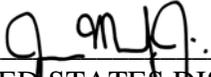
If the prisoner's case is subsequently dismissed for any reason, including a determination that it is frivolous, malicious, fails to state a claim, or seeks monetary relief against a defendant who is immune from such relief, the full amount of the filing and any applicable administrative fees will be collected and no portion of the fees will be refunded to the prisoner.

So that the Court can determine how the fees will be paid, Plaintiff is required to submit, no later than 30 days after this order's entry date, either the full \$400.00 filing and administrative fees, or a fully completed and signed application to proceed in forma pauperis, including a certificate and certified trust fund calculation sheet, both signed by an authorized official. Plaintiff's failure to do so will result in the dismissal of his complaint. LOCAL RULE 5.5(c)(2).

IT IS THEREFORE ORDERED THAT:

1. The Clerk is directed to forward an *in forma pauperis* application, calculation sheet, and certificate, to Plaintiff.
2. No later than 30 days after the entry date of this order, Plaintiff must submit the full \$400.00 filing and administrative fees, or file a fully completed and signed *in forma pauperis* application, along with the trust fund calculation sheet and certificate, signed by an authorized official. Plaintiff's failure to do so will result in the dismissal of his complaint.
3. Service is not appropriate at this time.

DATED this 31st day of July, 2017.



UNITED STATES DISTRICT JUDGE