

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

KENTRALL DEWAYNE WILLIAMS

PLAINTIFF

v.

Case No. 3:17-cv-00339-KGB

**CRAIGHEAD COUNTY DETENTION
CENTER, *et al.***

DEFENDANTS

ORDER

Plaintiff Kentrall Dewayne Williams filed this case *pro se*, without prepayment of the \$400.00 filing fee or an Application to Proceed Without Prepayment of Fees and Affidavit. (Dkt. No. 1). Also before the Court is Mr. Williams' motion for status update (Dkt. No. 2).

Mr. Williams indicated his address is the Craighead County Detention Center. 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. 28 U.S.C. § 1915(b)(1). The cost for filing a new civil case is \$400.00 which includes a \$50.00 administrative fee that does not apply to persons granted *in forma pauperis* status under 28 U.S.C. § 1915. 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 42 U.S.C. § 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 filing fee will be collected, and no portion of this filing fee will be refunded to the prisoner.

The PLRA requires that Mr. Williams submit a completed Application to Proceed Without Prepayment of Fees and Affidavit, along with calculation sheets, prepared and signed by an authorized officer of the Detention Center.

Mr. Williams is proceeding *pro se*. He is notified that Local Rule 5.5(c)(2) of the Rules of the United States District Courts for the Eastern and Western Districts of Arkansas requires *pro se* litigants like Mr. Williams: (1) to notify promptly the Court and the other parties in the case of any change of address; (2) to monitor the progress of the case; and (3) to prosecute or defend the action diligently. Mr. Williams should be aware that Local Rule 5.5 further provides that the failure to respond to any communication from the Court within 30 days may result in dismissal of the case. Any party proceeding *pro se* is expected to be familiar with and follow the Federal Rules of Civil Procedure as well as the Local Rules of this Court. A copy of the Local Rules may be obtained from the District Clerk for the Eastern District of Arkansas.

It is therefore ordered that:

1. Mr. Williams must submit within 30 days of the entry date of this Order either: (1) the statutory filing fee of \$400.00; or (2) a properly completed Application to Proceed Without Prepayment of Fees and Affidavit, with the required calculation sheet signed by an authorized official of the detention center at which he is confined.

2. The Court directs the Clerk of the Court to send to Mr. Williams an Application to Proceed Without Prepayment of Fees and Affidavit and a filing fee calculation sheet.

3. Mr. Williams' motion for status update is denied as moot (Dkt. No. 2).

So ordered this 26th day of February, 2018.



Kristine G. Baker
United States District Judge