

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

MONICA SMITH,
#71295

PLAINTIFF

v.

3:21CV00048-DPM-JTK

DOES, et al.

DEFENDANTS

ORDER

By Order dated March 23, 2021, this Court denied Plaintiff's Motion to Proceed In Forma Pauperis, based on her failure to include the necessary financial information in support of the Motion, and provided her thirty days in which to submit the information. (Doc. No. 5).¹ Plaintiff has filed a response to that Order, stating she does not have any money in her inmate account. (Doc. No. 6) However, this response is insufficient to support an in forma pauperis motion, as the Court explained in the March 23, 2021 Order.

According to the Prison Litigation Reform Act (PLRA), **a prisoner who is allowed to file a civil action in forma pauperis still must pay the full amount of the \$350 filing fee.** See 28 U.S.C. § 1915(b)(1). Furthermore, before docketing the complaint or, as soon thereafter as practicable, the Court must review the complaint to identify cognizable claims or dismiss the complaint if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. See 28 U.S.C. § 1915A. **If the case is dismissed for any of these reasons, there is no provision in**

¹Effective December 1, 2020, the civil filing fee increased to \$402, due to the implementation of a \$52 administrative fee. This \$52 fee does not, however, apply to plaintiffs who are granted in forma pauperis status.

the Act for a refund of any portion of the filing fee to the prisoner.

Under the Act, in order for the Court to determine how the \$350 filing fee will be paid, **the prisoner is required to submit a calculation sheet prepared and signed by an authorized official of the incarcerating facility. This calculation sheet reflects the deposits and monthly balances in the inmate's trust account at the facility during the six-month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2).** However, the Act also provides that in no event shall a prisoner be prohibited from bringing a civil action because he "has no assets and no means by which to pay the initial partial filing fee." 28 U.S.C. § 1915(b)(4).

The Court also reminds the prison officials that the PLRA requires their compliance by completing and signing the appropriate financial forms submitted by inmates who file § 1983 lawsuits.

IT IS, THEREFORE, ORDERED that

1. Plaintiff shall have one final opportunity in which to submit either the \$402 statutory filing fee or a completed in forma pauperis application, with the required calculation sheet **signed by an authorized official of the prison**, within thirty (30) days of the entry date of this Order.²
2. The Clerk shall send to Plaintiff an in forma pauperis application and calculation sheet.
3. The Clerk also shall forward a copy of this Order to the Administrator of the

² Plaintiff is hereby notified of her 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." #

Poinsett County Detention Facility, 1500 Justice Drive, Harrisburg, Arkansas 72432.

4. Service is not appropriate at this time.

IT IS SO ORDERED this 27th day of April, 2021.

A handwritten signature in black ink, appearing to read 'J. Kearney', written over a horizontal line.

JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE