

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

DARNELL PORTER,  
ADC #116186

PLAINTIFF

v.

4:09CV00890HLJ

NURSE LUMPKIN, et al.

DEFENDANTS

ORDER

By Orders dated December 2, 2009 and December 15, 2009, this Court denied plaintiff's motions to proceed in forma pauperis, finding he failed to provide the necessary financial information (DE ##3, 5). Plaintiff has now submitted the financial information, which this Court construes as a renewal of his motion to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915 (DE #8). This declaration makes the showing required by § 1915(a), and therefore, plaintiff's request will be granted.

Pursuant to 28 U.S.C. § 1915(b)(1), plaintiff is required to pay the statutory filing fee of \$350 for this action. Plaintiff has submitted a certified copy of his Inmate Trust Fund Account Statement. Based on that information, an initial partial filing fee of \$8.53 is assessed by this Order. If the prisoner's account does not contain the full amount assessed as an initial partial filing fee, the Administrator of the Faulkner County Detention Facility shall withdraw from the account any portion of the initial filing fee available, even if the account balance is under \$10.00. Regardless of the balance in the account, the Administrator of the Faulkner County Detention Facility shall continue to withdraw funds until the initial partial filing fee has been paid in full.

Thereafter, plaintiff will be obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to plaintiff's prison trust account each time

the amount in the account exceeds \$10.00. The Faulkner County Detention Facility is required to send to the Clerk of the Court the initial partial filing fee, and thereafter the monthly payments from the plaintiff'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).

Having reviewed plaintiff's complaint, the Court finds that service is appropriate for the defendants Nurse Lumpkin and Dr. Stewart. In accordance with the above,

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's request to proceed in forma pauperis (DE #8) is GRANTED.<sup>1</sup>
2. The Administrator of the Faulkner County Detention Facility or his designee shall collect from plaintiff's prison trust account an initial partial filing fee in the amount of \$8.53 and shall forward the amount to the Clerk of the Court. Said payment shall be clearly identified by the name and number assigned to this action.
3. Thereafter, the Administrator of the Faulkner County Detention Facility or his designee shall collect from plaintiff's prison trust account the \$341.47 balance of the filing fee by collecting monthly

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<sup>1</sup>The plaintiff is hereby notified of the 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.

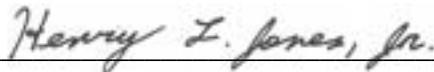
If at some stage in the litigation of this action, plaintiff decides not to continue to prosecute this action, plaintiff should notify the Court in the form of a motion for a voluntary dismissal pursuant to Fed.R.Civ.P. 41.

In addition, if plaintiff has not completely exhausted his administrative remedies as to all his claims, as required by the PLRA, 42 U.S.C. Sect. 1997e, he may file a motion to voluntarily dismiss his unexhausted claims.

payments from the account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account each time the amount in the account exceeds \$10.00, and shall forward the payments to the Clerk of the Court in accordance with 28 U.S.C. § 1915(b)(2). Those payments also shall be clearly identified by the name and number assigned to this action.

4. Service is appropriate for the defendants Nurse Lumpkin and Dr. Stewart.
5. The Clerk of the Court shall prepare summons for the defendants.
6. The United States Marshal is directed to serve a copy of the complaint and summons on the defendants without prepayment of fees and costs or security therefore.
7. The Clerk of the Court is directed to send a copy of this Order to the Faulkner County Detention Facility, 801 Locust Street, Conway, AR 72032.

IT IS SO ORDERED this 20<sup>th</sup> day of January, 2010.

  
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United States Magistrate Judge