

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

KINGRALE COLLINS

PLAINTIFF

v.

CASE NO. 4:10CV01171 BSM

SUE NEWBERRY

DEFENDANT

ORDER

On August 27, 2010, plaintiff Kingrale Collins, an inmate in the Arkansas Department of Correction, brought this action under 42 U.S.C. § 1983. [Doc. No. 1]. Upon review of the record, it is apparent that Collins has not filed a motion to proceed *in forma pauperis* or paid the statutory filing fee. The statutory filing fee for a complaint filed under section 1983 is \$350.

Under the Prison Litigation Reform Act (“PLRA”), a prisoner who is permitted to file a civil action *in forma pauperis* still must pay the \$350 statutory filing fee. 28 U.S.C. §1915(b)(1). The only question is whether a prisoner must pay the entire filing fee at the initiation of the proceeding or will be permitted to pay in installments over a period of time. *Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998).

In order to proceed *in forma pauperis*, the PLRA requires prisoners to submit a proper and complete application, along with a calculation sheet, prepared and signed by an authorized officer of the correctional facility where he is being held. Based on information contained in the application and calculation sheet, the prisoner will be assessed an initial, partial filing fee if sufficient funds exist and will make monthly installment payments until

the filing fee is paid in full. 28 U.S.C § 1915(b)(1)-(2). The filing fee will be collected and will not be refunded even 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. If he wishes to proceed with this action, Collins must file an application to proceed *in forma pauperis*, or pay the \$350 filing fee within thirty days of the entry date of this order. The Clerk of Court is directed to forward Collins an *in forma pauperis* application, along with a copy of this order. Failure to comply with this order may result in dismissal of this case without prejudice under Local Rule 5.5(c)(2).

IT IS SO ORDERED this 16th day of September, 2010.


UNITED STATES DISTRICT JUDGE