

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

SAMMIE L. BROWN

PLAINTIFF

v.

4:10-cv-01391-JLH-JTK

KARL BYRD, et al.

DEFENDANTS

**ORDER**

Plaintiff is a state inmate who filed a Complaint (Doc. No. 1) pursuant to 42 U.S.C. § 1983 without submitting the \$350.00 filing fee or an Application to Proceed In Forma Pauperis. By Order dated September 27, 2010, this Court directed Plaintiff to submit either the \$350.00 filing fee or an Application to Proceed In Forma Pauperis within 30 days of the date of the Order (Doc. NO. 4). Plaintiff responded with a Motion to Proceed In Forma Pauperis (Doc. No. 7), but it lacks the financial information necessary for this Court's decision. In addition, Plaintiff filed a motion for extension of time in which to submit the account information, stating that Defendants have not returned the paperwork to him (Doc. No. 9).

Under the Prison Litigation Reform Act (PLRA), in order for the Court to determine how the \$350 filing fee will be paid, the prisoner is required to submit an IFP application, **together with 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)(3). Accordingly,

IT IS THEREFORE ORDERED THAT Plaintiff's Motion for an Extension of Time (Doc.

No. 9) is GRANTED. Plaintiff must submit either the \$350.00 statutory filing fee or an In Forma Pauperis application within fifteen (15) days of the entry date of this Order.<sup>1</sup>

IT IS FURTHER ORDERED that Plaintiff's Motion to Certify Class Action (Doc. No. 8) is DENIED without prejudice.<sup>2</sup>

The Clerk is directed to send to the Plaintiff an In Forma Pauperis application, together with the filing fee calculation sheet.

The Clerk is also directed to send a copy of this Order to the Faulkner County Detention Facility, 801 Locust Street, Conway, AR 72032.

DATED this 1<sup>st</sup> day of November, 2010.



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JEROME T. KEARNEY  
UNITED STATES MAGISTRATE JUDGE

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1

The Plaintiff is hereby notified of his 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.”

2

A similar request made in Allen v. Byrd, et al., 4:10-cv-01452-SWW-BD was denied on October 8, 2010 (Doc. No. 4).