

**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 prisoner who filed a Complaint (Doc. No. 1) pursuant to 42 U.S.C. § 1983, without prepayment of the \$350.00 filing fee and costs, or an Application to Proceed In Forma Pauperis.

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 in forma pauperis 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,

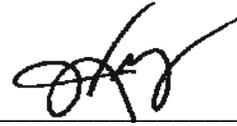
IT IS THEREFORE ORDERED THAT plaintiff must submit either the \$350 statutory filing fee or an in forma pauperis application within thirty (30) days of the entry date of this Order.¹

The Clerk is directed to send to the plaintiff an in forma pauperis application, together with the filing fee calculation sheet.

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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.”

DATED this 27th day of September, 2010.

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

JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE