

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

**FRANKIE WILLIAMS
ADC # 95949**

PLAINTIFF

V.

CASE NO. 4:11CV00544 JMM

BRANDY TURNER

DEFENDANT

ORDER

On July 1, 2011, Plaintiff Frankie Williams, an inmate in the Arkansas Department of Correction (“ADC”), brought this action under 42 U.S.C. § 1983 (docket entry #1). Upon review of the record, the Court notes that Mr. Williams has not filed a motion to proceed *in forma pauperis* or paid the statutory filing fee. The statutory filing fee for a complaint under 42 U.S.C. § 1983 is \$350.00.

Under the Prison Litigation Reform Act (“PLRA”), a prisoner who is permitted to file a civil action *in forma pauperis* still must pay the \$350.00 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 start of the lawsuit or in installments over a period of time.


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 in the application and calculation sheet, the Court assesses an initial, partial filing fee if sufficient funds exist and directs the collection of monthly installment payments until the filing fee is paid in full. 28 U.S.C § 1915(b)(1)-(2). If the prisoner’s

case is dismissed for any reason before trial, the full amount of the filing fee will be collected, and no portion of this filing fee will be refunded to the prisoner.

If Mr. Williams wishes to proceed with this action, he must file an application to proceed *in forma pauperis*, or pay the filing fee of \$350.00, within thirty days of this Order. The Clerk of Court is directed to forward Plaintiff 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 11th day of July, 2011.


UNITED STATES DISTRICT JUDGE