

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

CODY S. HOWARD

PLAINTIFF

v.

Case No. 4:23-CV-00020-LPR

**BRUNER, Officer,
Pulaski County Detention Facility**

DEFENDANT

ORDER

On January 6, 2023, Cody S. Howard, an inmate in the Pulaski County Detention Facility, filed a pro se Complaint pursuant to 42 U.S.C. § 1983.¹

On January 10, 2023, the Court entered an Initial Order for *Pro Se* Prisoners informing Mr. Howard of certain rules and procedures he must follow in order to proceed with his lawsuit.² This Order also advised Mr. Howard that his application to proceed *in forma pauperis* (“IFP Application”) was incomplete because it did not include a certificate of his inmate trust account or calculation sheet *signed by an authorized jail official*.³ Moreover, the January 10, 2023 Order noted that Mr. Howard’s IFP Application listed a “Trust Fund” as an asset, but he did not disclose the value of his trust fund or explain what the funds could be used for.⁴ Thus, the Court directed the Clerk to send Mr. Howard a new IFP Application and gave Mr. Howard thirty (30) days to either: (1) pay the \$402 filing fee; or (2) file a new IFP Application containing: (a) a certificate of his inmate trust account and calculation sheet, each signed by an authorized jail official; and (b) additional information about his trust fund, including its value and what the funds could be used

¹ Doc. 2.

² Doc. 4.

³ *Id.* at 3.

⁴ *Id.* This “trust fund” is different from the “inmate trust account.” The “trust fund” is with Rainwater, Holt, and Sexton.

for.⁵ Importantly, the January 10, 2023 Order warned Mr. Howard that his failure to comply with the Order would result in the dismissal of his Complaint, without prejudice.⁶

On January 18, 2023, Mr. Howard filed a new IFP Application, but it did *not* provide any additional information about his trust fund.⁷ Nor did it include the necessary certificate of his inmate trust account or calculation sheet.⁸ Without this information, the Court cannot determine whether Mr. Howard is entitled to proceed *in forma pauperis*.⁹

Accordingly, Mr. Howard's Complaint is DISMISSED without prejudice pursuant to Local Rule 5.5(c)(2) and Rule 41(b) of the Federal Rules of Civil Procedure.¹⁰ The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an *in forma pauperis* appeal from the Order and Judgment dismissing this action would not be taken in good faith.

IT IS SO ORDERED this 3rd day of March 2023.



LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE

⁵ *Id.*

⁶ *Id.*

⁷ Doc. 5.

⁸ *Id.* On February 23, 2023, Plaintiff submitted a certificate of his inmate trust account and calculation sheet. It appears to be signed by him as opposed to an authorized jail official. (Doc. 7). That is insufficient.

⁹ See 28 U.S.C. § 1915(a).

¹⁰ See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962) (district courts have power to dismiss sua sponte under Rule 41(b)).