

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

**CLYDE R. LONG,
ADC # 137424**

PLAINTIFF

V. No. 5:09CV00015 SWW-BD

BROUGHTON, et al.

DEFENDANTS

ORDER

Plaintiff, an inmate at the East Arkansas Regional Unit of the Arkansas Department of Correction (“ADC”), brings a pro se Complaint (docket entry #1) under 42 U.S.C. § 1983. Upon review of the record, the Court notes that Plaintiff has neither paid the statutory \$350.00 filing fee nor filed an application to proceed *in forma pauperis*. 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 will pay the entire filing fee at the initiation of the proceeding or in installments over a period of time. *Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998).

The PLRA requires that Plaintiff submit a proper and complete application to proceed *in forma pauperis*, along with a calculation sheet, prepared and signed by an authorized officer of the correctional facility where he or she is being held. Based on information contained in the application and calculation sheet, the Court will assess an initial, partial filing fee if sufficient funds exist and will direct the future collection of monthly installment payments until the filing fee is paid in full. 28 U.S.C § 1915(b)(1)-

(2). If the 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, the full amount of the \$350.00 filing fee will be collected and no portion of this filing fee will be refunded to the prisoner.

The Clerk of Court is directed to send Plaintiff a copy of this order and a copy of the form application to proceed *in forma pauperis*, including the certificate and account statement forms. Plaintiff must return an application meeting the requirements of 28 U.S.C. § 1915(a) or the \$350.00 statutory filing fee to the Clerk within 30 days from receipt of this order to maintain this action.¹

IT IS SO ORDERED this 20th day of January, 2009.



UNITED STATES MAGISTRATE JUDGE

¹ Plaintiff is notified of his responsibility to comply with the Local Rules of the Court, including Rule 5.5(c)(2), which states: "It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. 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."