

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**ANTHONY RAY PARKS
ADC # 15247**

PLAINTIFF

v.

CASE NO. 5:09cv00355 BSM

**WENGARD, Detective, Pine Bluff City
Police Department; WAL-MART SUPERCENTER,
INC.; JOHN DOE, Mike, Security, Wal-Mart;
and PINE BLUFF POLICE DEPARTMENT**

DEFENDANTS

ORDER

Plaintiff, Anthony Ray Parks, a pretrial detainee at the W.C. “Dub” Brassell Detention Center, filed this action *pro se* pursuant to 42 U.S.C. § 1983, alleging claims related to his arrest for shoplifting. His complaint, however, is unaccompanied by a filing fee or a motion for *in forma pauperis* status. If Parks intends to pursue this matter, he must pay the statutory filing fee of \$350 or submit a properly completed application to proceed *in forma pauperis*.

Under the Prison Litigation Reform Act of 1995 (“PLRA”), a prisoner who is permitted to file a civil action *in forma pauperis* must still pay the full statutory filing fee of \$350. 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). Even if a prisoner is without assets and unable to pay an initial filing fee, he will be allowed to proceed with his section 1983 claims and the filing fee will be collected by the court in installments from the prisoner’s inmate trust account. 28 U.S.C. § 1915(b)(4). If the prisoner’s 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 filing fee will be collected and no portion of this filing fee will be refunded to the prisoner.

The PLRA requires that Parks 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 detention center. Parks is therefore directed to submit, within thirty (30) days from entry of this order, either: (1) the statutory filing fee of \$350; or (2) a proper and complete application to proceed *in forma pauperis*, with the required calculation sheet signed by an authorized official of the detention center at which he is confined.

IT IS THEREFORE ORDERED that:

1. The Clerk is directed to mail plaintiff an *in forma pauperis* application and calculation sheet.
2. Plaintiff must submit, within thirty days of entry of this order, either: (1) the \$350 statutory filing fee; or (2) a proper and complete *in forma pauperis* application, with the required calculation sheet completed and signed by an authorized prison official. Failure to do so may result in dismissal of this action without prejudice.
3. Service is not appropriate on defendants at this time.

DATED this 18th day of November, 2009.


UNITED STATES DISTRICT JUDGE