

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

**JAMES KIRK CAMPBELL,
ADC #079909**

PLAINTIFF

V.

CASE NO. 5:10CV00312 SWW

JAMES L. WILLIAMS, et al.

DEFENDANTS

ORDER

On October 28, 2010, Plaintiff, an inmate in the Arkansas Department of Correction (“ADC”), brought this action under 42 U.S.C. § 1983 (docket entry #2). Upon review of the record, the Court notes that Plaintiff has not filed a complete motion to proceed *in forma pauperis* or paid the \$350.00 filing fee.

Under the Prison Litigation Reform Act (“PLRA”), a prisoner who is permitted to file a civil action *in forma pauperis* still must pay the 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 will pay in installments over time. *Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998).

To proceed *in forma pauperis*, the PLRA requires prisoners to submit a complete application, including 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 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 prisoner’s case is later 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.

If Mr. Campbell wishes to proceed with this action, he must file an application to proceed *in forma pauperis*, or pay the \$350.00 filing fee within thirty days of the entry 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).¹

IT IS SO ORDERED this 17th day of December, 2010.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹Plaintiff is notified of his responsibility to comply with the Local Rules of the Court, including Rule 5.5(c)(2): “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.”