

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

MICHAEL SHANE WILMOTH, ADC #105408,
DARRI PRUNTY, ADC #148955, and
TYRONE COLLINS, ADC #111854

PLAINTIFFS

v.

5:13CV00060-SWW-JTK

RAY HOBBS, et al.

DEFENDANTS

ORDER

Plaintiffs are state inmates who filed a Complaint (Doc. No. 1) pursuant to 42 U.S.C. § 1983. However, only Plaintiff Wilmoth filed a Motion to Proceed In Forma Pauperis (IFP) (Doc. No. 1). In addition, Plaintiff Collins did not sign the Complaint (Doc. No. 2, p. 16).

Under the Prison Litigation Reform Act (“PLRA”), a prisoner who is permitted to file a civil action in forma pauperis still must 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 § 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 Plaintiffs submit proper and complete Motions to Proceed In Forma Pauperis, along with calculation sheets prepared and signed by an authorized officer of the detention

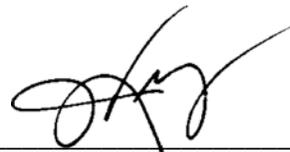
center. Plaintiffs Prunty and Collins must submit, within thirty (30) days from entry of this Order, either: (1) the statutory filing fee of \$350; or (2) proper and complete IFP Motions, **with the required calculation sheets signed by an authorized official of the detention center at which they are confined**. Plaintiff Collins also must submit a signed copy of the Complaint. Accordingly,

IT IS THEREFORE ORDERED that Plaintiffs Prunty and Collins must submit either the \$350 statutory filing fee or In Forma Pauperis Motions within thirty days of the entry date of this Order.¹

IT IS FURTHER ORDERED that Plaintiff Collins must submit a signed copy of the Complaint within thirty days of the date of this Order.

The Clerk is directed to send to Plaintiffs Prunty and Collins In Forma Pauperis Motions, together with the filing fee calculation sheets, and a copy of the Complaint's signature page to Plaintiff Collins for his signature.

IT IS SO ORDERED this 28th day of February, 2013.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE

1

The Plaintiffs are hereby notified of their responsibility to comply with the Local Rules of the Court, including Rule 5.5(c)(2), which states: “. . . 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.”