

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

**BENJAMIN MUHAMMAD,
TIM SIMMON, and
CLARENCE AMMONS, JR.**

PLAINTIFFS

V. CASE NO. 5:14-CV-00019-BSM/BD

GREGORY SIOAS, et al.

DEFENDANTS

ORDER

Plaintiff Benjamin Muhammad, an Arkansas Department of Correction (“ADC”) inmate, filed this case *pro se* under 42 U.S.C. § 1983. (Docket entry #1) Because he has now provided the documentation required by 28 U.S.C. Section 1915(a), his request to proceed *in forma pauperis* (“IFP”) will be GRANTED.

I. *In Forma Pauperis* Application:

Prisoners who are allowed to file civil actions IFP still must pay a \$350.00 filing fee. 28 U.S.C. §1915(b)(1). But because these plaintiffs cannot afford to pay the filing fee in a lump sum, money is withdrawn from their prison trust fund accounts in monthly installments. 28 U.S.C. § 1915(b)(1)-(2).

Inmate plaintiffs must include with their IFP applications a calculation sheet with information about their prison trust account. Based on information in the application and calculation sheet, the Court assesses an initial, partial filing fee, if there is enough money in the prisoner’s account and direct the collection of monthly installment payments until the filing fee is paid in full. 28 U.S.C § 1915(b)(1)-(2).

In this case, Mr. Muhammad's calculation sheet shows that he does not have sufficient funds for the Court to assess an initial partial filing fee. However, Mr. Muhammad's present custodian and any future custodians are obligated to collect monthly payments of 20% of the preceding month's income credited to Mr. Muhammad's prison trust account each time the amount in the account exceeds \$10.00, until the \$350.00 filing fee is paid in full. These payments should be clearly identified by the name and number assigned to this action.

The Clerk of the Court is directed to send a copy of this Order to the Arkansas Department of Correction Trust Fund Centralized Banking Office, P.O. Box 8908, Pine Bluff, Arkansas 71611, the Arkansas Department of Correction Compliance Division, P.O. Box 20550, Pine Bluff, Arkansas 71612, and the Warden of the Tucker Maximum Security Unit, 2501 State Farm Road, Tucker, Arkansas 72168.

II. Screening:

Mr. Muhammad has filed an original and an amended complaint alleging that his constitutional rights were violated by thirteen named Defendants. He claims that: Defendant Sioas subjected him to excessive force; multiple Defendants failed to protect him; his personal property was destroyed; ADC officials interfered with his legal mail; he was threatened for using the grievance procedure; and ADC officials violated various ADC policies.

The various claims included in this one complaint arise from different, unrelated

incidents. Mr. Muhammad cannot defeat filing fee requirements by including different, unrelated legal claims in one lawsuit.

Accordingly, Mr. Muhammad is ordered to amend his complaint. In his second amended complaint, Mr. Muhammad may assert only one constitutional claim. If he fails to comply with this Order, the Court may dismiss some or all of his claims. He has thirty days to file a second amended complaint.

IT IS SO ORDERED this 10th day of February, 2014.


UNITED STATES MAGISTRATE JUDGE