

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

GARY D. WALLACE

PLAINTIFF

v.

Civil No. 4:14-cv-04098

JERRY CAMPBELL; TINA
MARTIN; POLLY ORR; MS.
SCOGGINS; and MR. LAWRENCE

DEFENDANTS

ORDER

Pending before me for decision are the following motions filed by the Plaintiff: (1) a motion for leave to proceed *in forma pauperis* (IFP)(ECF No. 5); (2) a motion for appointment of counsel (ECF No. 5); and (3) a motion to dismiss or continue without fees (ECF No. 6).

Plaintiff is currently incarcerated. All prisoners are subject to the Prison Litigation Reform Act (PLRA). The PLRA amended the IFP statute, 28 U.S.C. § 1915. While prisoners may still be granted IFP status, the PLRA requires the full filing fee to be assessed against them. Payment of an initial partial filing fee and of a percentage each month a prisoner has over \$10 in his account are required. Payments are made by deduction from a prisoner's inmate account. The deductions continue until the full filing fee is paid.

Here, Plaintiff wants to proceed IFP but states he will not authorize any deductions from his inmate account. Further, he has failed to comply with the Court's order (ECF No. 3) requiring him to submit a complete IFP application by submitting an account certificate completed by officials at his place of incarceration.

If he cannot proceed in this case without making payments from his prison account, Plaintiff

asks that he be allowed to dismiss this case (ECF No. 6). The motion (ECF No. 6) is granted. The Clerk is directed to treat (ECF No. 6) as a voluntary dismissal by the Plaintiff pursuant to Rule 41 (a)(1)(A) of the Federal Rules of Civil Procedure and terminate the case. Plaintiff's request to proceed IFP and his request for appointment of counsel (ECF No. 5) are denied as moot.

IT IS SO ORDERED this 30th day of January 2015.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE