

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION**

**MICHAEL ARNETT**

**PLAINTIFF**

v.

**CASE NO.: 6:09-cv-06068**

**SHERIFF DAVID TANNER;  
RICK LOYD, Jail Administrator,  
Clark County Jail; and  
RICK WINGFIELD, Chief Deputy,  
Clark County Sheriff's Department**

**DEFENDANTS**

**REPORT AND RECOMMENDATIONS OF THE MAGISTRATE JUDGE**

Now before the Court is Plaintiff's Motion for Leave to Proceed *in forma pauperis*, ("IFP"). (Doc. 4).

On July 30, 2009 the Clerk of Court opened the above styled case in the name of Michael Arnett. The original Complaint (Doc. 1) was filed by another inmate, David Alcalá. Mr. Alcalá named Mr. Arnett as a co-Plaintiff in his Complaint, however the Prison Litigation Reform Act requires each prisoner who brings a civil action to submit a separate Complaint and separate application to proceed *in forma pauperis*. Accordingly, this Court directed the Clerk to open a case in Mr. Arnett's name, and sent to Mr. Arnett the forms necessary to file an application to proceed *in forma pauperis*, or in the alternative, allowed him time to pay the filing fee. (See Doc. 2).

Mr. Arnett did not timely return his application to proceed *in forma pauperis*. Additionally, the untimely *in forma pauperis* Motion (Doc. 4) is not complete as the inmate account portion of the form is blank and it appears Mr. Arnett is incarcerated at this time. As such, it is my recommendation that the Motion to proceed *in forma pauperis* (Doc. 4) be **DENIED** and the Complaint in the above-styled case be **DISMISSED**.

The Court also notes that Mr. Arnett has filed a case on his own behalf, naming the same Defendants, and asserting claims arising out of the same facts as this case. *See Arnett v. Turner, et al*; 6:09-cv-06058 (W.D. Ark.). Mr Arnett's case numbered 6:09-cv-06058 has been filed and *in forma pauperis* status has been granted in that case. The ruling herein should in no way affect Mr. Arnett's litigation in the case numbered 6:09-cv-06058.

**The parties have fourteen (14) days from receipt of this report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.**

**DATED this 13th day of January 2010.**

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
U.S. MAGISTRATE JUDGE