

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

JOSEPH MICHAEL STEVENS,

Plaintiff,

v.

Case No: 2:11-cv-697-FtM-99SPC

BRIAN BARRINGER, CHRISTOPHER
AREY, M. FAULK, DEPUTY
NAYLOR and LEE COUNTY
SHERIFFS OFFICE,

Defendants.

_____ /

ORDER

This matter comes before the Court on periodic review of the file. On January 10, 2012, the Court granted (Doc. # 8) Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* and Affidavit of Indigency, to the extent that the case would proceed without the prepayment of the entire filing fee until funds became available to him. At the time, Plaintiff was incarcerated and had no funds in his prison account. On October 1, 2012, Plaintiff filed a Change of Address with the Court advising the Court of his recent release (Doc. #52). However, since Plaintiff's Complaint was filed while he was incarcerated, his claim is subject to the provisions of the Prison Litigation Reform Act. Accordingly, Plaintiff is responsible for the entire \$350.00 filing fee for this action.

Based upon Plaintiff's recent release, the Court will establish a reasonable payment schedule for the \$350.00 filing fee. The Court finds that Plaintiff will be required to pay \$5.00 per month into the Court's registry, due on the fifteenth (15th) day of every month, beginning

with a payment due on October 15, 2012. Plaintiff must comply with the payment schedule until the filing fee of \$350.00 is paid in full.

Accordingly, it is now

ORDERED:

- (1) Plaintiff is assessed the entire \$350.00 filing fee. **Plaintiff must pay \$5.00 due the fifteenth (15th) of every month, beginning with a payment due on October 15, 2012, into the Court's registry.** Plaintiff may pay the money into the Court's registry by cash or money order. The money order shall be made payable to "Clerk, U.S. District Court," and shall include the case number on the money order (2:11-cv-697). The money order may be mailed to the United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901, or Plaintiff may bring the money order in person to the Clerk's Office at the aforementioned address. If Plaintiff pays by cash, she must do so in person at the Clerk's Office.
- (2) The Clerk of Court is directed to docket a copy of all receipts for monies paid in the case file.
- (3) **Plaintiff must comply with the payment schedule until the filing fee of \$350.00 is paid in full.**
- (4) Failure to comply with the payment schedule may result in this action being **dismissed for failure to prosecute without further notice.**

DONE and ORDERED in Fort Myers, Florida this 4th day of October, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record

