

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

KAREEM K. KIRK, SR.,
ADENAWER GONAZALES,
FRANK CARRASCO,
GREGORY L. PEOPLES,

Plaintiffs,

v.

Case No. 8:07-cv-468 -T-17EAJ

DETENTION DEPUTY D. WATERS,
FNU TORUBLI
A. CARTER, CHAPLIN,
COL. DAVID PARRISH,
DAVID GEE,
JAIME BENDFORD,

Defendants.

ORDER

Pro se prisoner plaintiffs filed this 42 U.S.C. § 1983 action alleging that Defendants denied them their right to attend Jumah services during Ramadan month and by doing so, denied them the right to practice their Islamic faith. Plaintiffs seek declaratory and injunctive relief and compensatory and punitive damages. A review of the complaint demonstrates that, for the following reasons, the complaint must be dismissed, but without prejudice to each Plaintiff's filing a separate complaint.

DISCUSSION

The Prison Litigation Reform Act of 1995 ("PLRA") requires, inter alia, that a prisoner bringing a civil action in forma pauperis ("IFP") must pay the full filing fee. See 28

U.S.C. § 1915(b) (West Supp. 2000). Multiple prisoners, proceeding IFP may not join their claims and thus pro-rate the mandatory filing fee among the group instead of individually paying the full fee. *Hubbard v. Haley*, 262 F.3d 1194 (11th Cir. 1999).

Similarly, 28 U.S.C. § 1915(b)(1) explicitly encompasses appellate filing fees, requiring each prisoner to pay the full amount of the appellate filing fee. For appellate purposes, the district court, under the PLRA, may construe a joint notice of appeal as a singular notice of appeal and properly assess the appellate filing fee against the one appellant. *Id.*

Pursuant to *Hubbard*, the Court orders:

That the multi-plaintiff complaint is dismissed, without prejudice to each Plaintiff's filing his own complaint and motion to proceed in forma pauperis. The new complaints should not refer back to the original multi-plaintiff complaint. The Clerk is directed to serve a copy of this Order upon each Plaintiff and to include two copies of the Court's form complaint for actions under 42 U.S.C. § 1983 and an application to proceed in forma pauperis for each plaintiff. **The Clerk is further directed to close this case.**

ORDERED at Tampa, Florida, on March 28, 2007.


ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Kareem K. Kirk, Sr.
Adenawer Gonzaales
Frank Carrasco
Gregory L. Peoples