

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

WALTER H. CARY, III

810333

Plaintiff,

vs.

1:09-CV-18-MMP/AK

WALTER A. MCNEIL , et al.,

Defendants.

ORDER

Plaintiff, an inmate proceeding *pro se*, has filed a civil rights complaint, (doc. 1), and an amended motion to proceed *in forma pauperis* (IFP). (doc. 5). Good cause having been shown, it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is GRANTED to the extent that the case may proceed without the prepayment of the entire filing fee.
2. The clerk of court shall assess Plaintiff **\$4.69** based on his monthly deposits for the preceding four months and as provided in 28 U.S.C. § 1915(b)(1)(A).

3. Plaintiff shall have until **MARCH 12, 2009**, to submit the partial filing fee as assessed by the clerk of court. A check from a penal institution, a cashier's check, or a money order should be made payable to "Clerk, U.S. District Court" and sent to: United States District Court, Northern District of Florida, Office of the Clerk, 111 North Adams Street, Suite 322, Tallahassee, Florida 32301-7717. Personal checks will not be accepted. The following information shall either be included on the face of the check from the penal institution, cashier's check, or money order or attached thereto:

- (1) the full name of the prisoner; (2) the prisoner's inmate number; and (3) Northern District of Florida Case Number; see front page.

Checks or money orders which do not have this information will be returned to the penal institution or to Plaintiff.

4. After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income (that is, all funds deposited in the account) credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account on a monthly basis to the clerk of court each time the amount in the account exceeds \$10.00. These payments shall continue until the filing fee of \$350.00 is paid in full. The prisoner information described in Paragraph 3 shall either be included on the face of the check from the penal institution, cashier's check, or money order or attached thereto.

5. The clerk of court shall MAIL a copy of this order, with the appropriate cover letter, to: Department of Corrections, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500.

6. No further action shall be taken with regard to Plaintiff's claims until the initial

partial filing fee is received.

7. Failure to submit the partial filing fee as instructed may result in a recommendation of dismissal of this action and Plaintiff's inability to proceed *in forma pauperis* in future actions.

8. The clerk shall refer this action to the undersigned on or before **MARCH 12, 2009.**

DONE AND ORDERED this 6th day of February, 2009.

s/ A. KORNBLUM

ALLAN KORNBLUM

UNITED STATES MAGISTRATE JUDGE