

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

AARON EVANS,

Plaintiff,

v.

CASE NO. 1:10-cv-00048-MP-AK

ALACHUA COUNTY JAIL,

Defendant.

ORDER

This matter is before the Court upon Plaintiff's Motion to Extend Time to file an amended complaint (doc. 9) and Plaintiff's Motion for Leave to Proceed in Forma Pauperis. (Doc. 10).

Plaintiff's motion to extend time (doc. 9) is **GRANTED**, and he shall have through September 3, 2010, to file an amended complaint.

Plaintiffs' motion to proceed as a pauper (Doc. 10), is **GRANTED** to the extent that the case may proceed without the prepayment of the entire filing fee. Because Plaintiff has insufficient funds, the Court will not require Plaintiff to pay an initial partial filing fee as provided in 28 U.S.C. § 1915(b)(1)(A). However, Plaintiff is hereby assessed the total \$350.00 filing fee in this case.

As funds become available in Plaintiff's prison account, he shall be required to make monthly payments of twenty percent of the preceding month's income (that is, all funds deposited into the account) credited to the account. Upon receipt of this Order, the agency having custody of Plaintiff shall forward payments from Plaintiff'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 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 (1:10cv048-MP/AK). Checks or money orders which do not have this information will be subject to return. Accordingly, the **Clerk** shall mail a copy of this Order by mail to: Department of Corrections, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500.

Plaintiff is warned that he is ultimately responsible for payment of the filing fee if the agency with custody over him/her lapses in its duty to make payments on his/her behalf. For this reason, if Plaintiff is transferred to another jail or institution, Plaintiff should ensure that the new institution is informed about this lawsuit and the required monthly payments as set out herein.

Plaintiff is advised to retain a copy of this Order for this purpose.

Accordingly, it is

ORDERED AND ADJUDGED:

1. That Plaintiff's Motion to Extend Time (doc. 9) is GRANTED, and he shall have through September 3, 2010, to file an amended complaint.
2. That Plaintiff's motion for IFP (doc. 10) is GRANTED.

DONE AND ORDERED this 24th day of August, 2010

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge