

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

EMERY CURTIS LEWIS,  
Plaintiff,

vs.

Case No. 3:07cv178/RV/EMT

ESCAMBIA COUNTY JAIL, et al.,  
Defendants.

---

**ORDER GRANTING LEAVE TO PROCEED  
IN FORMA PAUPERIS**

This cause is before the court upon Plaintiff's filing a civil rights complaint under 42 U.S.C. § 1983 and a motion to proceed in forma pauperis (Docs. 1, 2). Good cause having been shown, it is **ORDERED** that:

1. Plaintiff's motion to proceed in forma pauperis (Doc. 2) is **GRANTED** to the extent that the case may proceed without prepayment of the entire filing fee.
2. Because Plaintiff has no funds accrued in his prison trust fund account, the clerk of court shall not assess Plaintiff an initial partial filing fee as provided in 28 U.S.C. § 1915(b)(1)(A). However, the total filing fee in this case remains \$350.00.
3. As funds become available in Plaintiff's prison account, he shall be required to make monthly payments of twenty percent (20%) of the preceding month's income (that is, all funds deposited into the account) in each case he has filed in this court.<sup>1</sup> Upon receipt of this order by the agency having custody of Plaintiff, the agency shall forward payments from Plaintiff's inmate account on a monthly basis to the clerk of court each time the amount in the account exceeds \$10.00.

---

<sup>1</sup>Thus, prisoners who have filed more than one case may be required to make payments totaling 40%, 60%, 80% or even 100% of their monthly deposits.

These payments shall continue until the filing fee of \$350.00 is paid in full in each case. A check from a penal institution, a cashier's check, or a money order should be made payable to "Clerk, U.S. District Court." Personal checks directly from prisoners will not be accepted. The following information shall either be included on the face of the 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 3:07cv178/RV/EMT.

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

4. The clerk of court shall MAIL a copy of this order, with the appropriate cover letter to: **Escambia County Jail**, Finance Department, Sheriff's Office, P.O. Box 18770, Pensacola, FL 32523, Attention: Irene Bowker, Accounting Specialist II.

5. Plaintiff is warned that he is ultimately responsible for payment of the filing fee should the agency with custody over him lapse in its duty to make payments on his behalf. If Plaintiff spends funds that should have been forwarded to the court as per the payment formula above, this case may be dismissed for non-payment. Furthermore, if Plaintiff is transferred to another jail or correctional institution, he 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. Finally, Plaintiff is advised that dismissal or other disposition of this action will NOT relieve him of the obligation to pay the full filing fee in this case.

**DONE AND ORDERED** this 27<sup>th</sup> day of April 2007.

*/s/ Elizabeth M. Timothy*

---

**ELIZABETH M. TIMOTHY**  
**UNITED STATES MAGISTRATE JUDGE**