

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

WILLIAM CECIL BAXTER, #543205

Plaintiff,

vs.

4:09cv74-SPM/WCS

CLIFFORD ADAM, et al.,

Defendants.

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**ORDER**

Plaintiff, an inmate proceeding *pro se*, has filed a civil rights complaint, doc. 1, a motion for leave to proceed *in forma pauperis* (IFP), doc, 2, and a motion for appointment of counsel, doc. 3. . Doc. 2. 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 \$5.83 based on his monthly deposits for the preceding six months and as provided in 28 U.S.C. § 1915(b)(1)(A).

3. Plaintiff shall have until **March 26, 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. Plaintiff is warned that he is ultimately responsible for payment of the filing fee if the agency having custody over him lapses in its duty to make payments on his behalf. Thus, in case of transfer, Plaintiff should ensure that any new institution is advised of Plaintiff's payment obligations. Plaintiff is also advised to keep the Court advised as to his current whereabouts as his case may be dismissed if court orders are returned to the Court because Plaintiff has been transferred or otherwise relocated.

7. No further action shall be taken with regard to Plaintiff's claims until the initial partial filing fee is received.

8. Plaintiff's motion for appointment of counsel, doc. 3, is **DENIED** as premature. When the court reviews the merits of this case it will independently assess the complexity of the issues and will, on its own motion, appoint counsel for Plaintiff if needed.

**9. 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.**

**DONE AND ORDERED** on February 26, 2009.

S/ William C. Sherrill, Jr.  
**WILLIAM C. SHERRILL, JR.**  
**UNITED STATES MAGISTRATE JUDGE**