

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

WILLIE MAE STUART,

Plaintiff,

v.

CASE NO. 4:10-cv-00096-SPM -GRJ

UNITED STATES OF AMERICA,

Defendant.

_____ /

ORDER

Presently before the Court is Plaintiff's Amended Motion for Leave to Proceed in Forma Pauperis, which shows Plaintiff's average monthly deposits is \$350.00 for the six months preceding the filing of the complaint in this matter. (Doc. 8). Plaintiff's motion for IFP (doc. 8) is **GRANTED** to the extent that the case may proceed without the prepayment of the entire filing fee.

Plaintiff shall pay **\$70.00** as an initial partial filing fee as provided in 28 U.S.C. § 1915(b)(1)(A); however, Plaintiff is assessed the total \$350.00 filing fee.¹

The agency having custody of Plaintiff shall forward, within **THIRTY (30) DAYS** from the date of this Order, the initial partial filing fee to 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

¹ See also Wilson v. Sargent, 313 F.3d 1315 (11th Cir. 2002). This amount represents twenty percent of Plaintiff's average monthly deposits for the preceding six months.

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) the Northern District of Florida Case Number; see front page.

Checks or money orders which do not have this information will be subject to return.

After payment of the initial partial fee, Plaintiff will be required to make monthly payments of twenty percent of the preceding month's income (all funds deposited into the account) credited to the account. The agency having custody of Plaintiff shall forward payments from the Plaintiff's account on a monthly basis to the Clerk each time the amount in the account exceeds \$10.00. These payments shall continue until the full \$350.00 filing fee is paid. The prisoner information described above must be included with each payment.

Plaintiff is warned that she ultimately is responsible for payment of the filing fee if the agency having custody over her lapses in its duty to make payments on her behalf. Thus, in case of transfer, Plaintiff should ensure that any new institution is advised of this lawsuit and Plaintiff's payment obligations. Plaintiff should retain a copy of this Order for that purpose.

The **Clerk** shall **MAIL** a copy of this order, with the appropriate cover letter, to:
**FEDERAL USP, ATTENTION: FINANCE OFFICE, P.O. BOX 150160 ATLANTA, GA
30315.**

Failure to comply with this Order in the time allotted may result in the dismissal of

this action without further notice.

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

DONE AND ORDERED this 8th day of December 2010.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge