

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

MARTINEZE LARRY,
Plaintiff,

vs.

Case No. 5:07cv114/RS/EMT

W. FRANK MCKEITHEN, 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**:

1. Plaintiff's motion to proceed in forma pauperis (Doc. 2) 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 **\$14.32** as an initial partial filing fee as provided in 28 U.S.C. § 1915(b)(1)(A). The total filing fee for this case is \$350.00.
3. Plaintiff shall have **THIRTY (30) DAYS** from the date of docketing of this order in which to submit the initial 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." 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 5:07cv114/RS/EMT

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

4. After payment of the initial partial filing fee, Plaintiff shall be required to make monthly payments of 20 percent of the preceding month's income (that is, all funds deposited into his inmate account) in each case he has filed in this court.¹ The agency having custody of Plaintiff 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. These payments shall continue until the filing fee of \$350.00 is paid in full in each case.

5. The clerk of court shall MAIL a copy of this order with the appropriate cover letter to: **Bay County Jail**, Attention: Kathy Walton, Inmate Accounts Bookkeeper, 314 ½ Harmon Avenue, Panama City, FL 32401.

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

7. Plaintiff's 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. Plaintiff is warned that he is ultimately responsible for payment of the filing fee in every case he has filed 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, his 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 his federal litigation and the required monthly payments. Plaintiff is advised to retain a copy of this order for this purpose. Finally, Plaintiff is advised that dismissal or other disposition of an action will not relieve him of the obligation to pay the full filing fee in that case.

DONE AND ORDERED this 31st day of May 2007.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY

UNITED STATES MAGISTRATE JUDGE

¹Thus, 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.