

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

JOSE A. JIMENEZ,
Plaintiff,

vs.

CASE NO.: 5:08cv345/MCR/MD

CLASSIFICATION OFFICER REEDER, et al.,
Defendants.

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

This cause is before the court upon plaintiff's filing an amended civil rights complaint under 42 U.S.C. § 1983 and a motion to proceed *in forma pauperis* (doc. 11). Good cause having been shown, it is ORDERED that:

1. Plaintiff's motion to proceed *in forma pauperis* (doc. 11) is GRANTED to the extent that the case may proceed without the prepayment of the entire filing fee.

2. Although plaintiff's account statement reflects a zero balance, there have been deposits made over the last six months to his account of \$129.88. Therefore, the clerk of court shall assess plaintiff \$4.33 as an initial partial filing fee as provided in 28 U.S.C. § 1915(b)(1)(A). THE TOTAL FILING FEE IN THIS CASE IS \$350.00.

3. Plaintiff shall have **thirty (30) days** 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 5:08cv345/MCR/MD

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 into the account) in each case he has filed in this court.¹ 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 in each case.

5. The clerk of court shall MAIL a copy of this order with the appropriate cover letter to: Florida Department of Corrections, 2601 Blair Stone Rd., Tallahassee, FL 32399-2500, ATTN: Agency Clerk.

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 6th day of January, 2009.

/s/ *Miles Davis*

**MILES DAVIS
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.