IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

MICHAEL LEE MARSHALL,   :
                                            :
                Plaintiff   :
                                            :
            VS.   :
                                            :   CIVIL ACTION NO.: 7:06-CV-35 (HL)
RENAE KELLY; TERRY POOLE;   :
TIFT COUNTY LAW ENFORCEMENT   :
CENTER,   :
                                            :   PROCEEDINGS UNDER 42 U.S.C. § 1983
                Defendants   :   BEFORE THE U.S. MAGISTRATE JUDGE
                                            :
_____   :   **O R D E R**

Plaintiff **MICHAEL LEE MARSHALL,** a pre-trial detainee at the Tift County Jail, has

filed a pro se civil rights complaint under 42 U.S.C. § 1983. He also seeks leave to proceed without

prepayment of the filing fee or security therefor pursuant to 28 U.S.C. § 1915(a). As it appears that

plaintiff is unable to pay the cost of commencing this action, plaintiff's application to proceed *in*

forma pauperis is hereby **GRANTED**.

However, even if a prisoner is allowed to proceed *in forma pauperis*, he must nevertheless

pay the full amount of the $350.00 filing fee in installments based on funds in the prisoner's account.

When a prisoner has funds in his account, he must pay an initial partial filing fee of twenty percent

of the greater of (1) the average monthly deposits to the prisoner's account, or (2) the average

monthly balance in the prisoner's account for the six month period immediately preceding the filing

of the complaint. 28 U.S.C. § 1915(b)(1).

A review of plaintiff's trust fund account statement reveals that he deposited $135.02 into

his account during the past two ane one-half months. Therefore, the average monthly deposits to

his account are $54.01. Twenty percent (20%) of $54.01 is $10.80. Accordingly, it is hereby

ORDERED that plaintiff pay an initial partial filing fee of $10.80.

Plaintiff shall have until **June 9, 2006** to pay the required initial partial filing fee to the Clerk of the Court. Failure to comply with this Order shall result in the dismissal of plaintiff's complaint. There shall be **<u>no service</u>** in this case until further order of the Court.

SO ORDERED, this 9th day of May, 2006.

<u>**/s/ Richard L. Hodge**</u>
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE

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