

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

MARTY JOHN HARRIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV 315-108
	)	
DAVID BOATWRIGHT,	)	
Deputy; CHRIS STEVENSON, Sheriff;	)	
and TELFAIR COUNTY	)	
SHERIFF'S OFFICE,	)	
	)	
Defendants.	)	

---

**ORDER**

---

Plaintiff, an inmate at the Irwin County Detention Center in Ocilla, Georgia, is proceeding *pro se* and requested permission to proceed *in forma pauperis* (“IFP”) in the above-captioned case brought pursuant to 42 U.S.C. § 1983. On December 15, 2015, the Court directed Plaintiff to return his Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms within thirty days and advised Plaintiff that all prisoners, even those proceeding IFP, must pay the filing fee of \$350.00 in full. 28 U.S.C. § 1915(b)(1). Plaintiff was cautioned that failure to respond would be an election to have this case voluntarily dismissed without prejudice. (See doc. no. 3.) When the time to respond passed, and Plaintiff had not submitted a Prisoner Trust Fund Account Statement or a Consent to Collection of Fees form as required by the December 15, 2015 Order, the Court

recommended dismissal of the case without prejudice in a Report and Recommendation (“R&R”) on February 23, 2016. (Doc. no. 5.)

However, after entering the R&R, Plaintiff filed an objection alleging he had submitted the forms. (Doc. no. 7.) A review of Plaintiff’s court filings reveals he improperly submitted the forms in his habeas case, Harris v. Sheffield, CV 315-106 (S.D. Ga. Dec. 11, 2015), for which the forms were not needed. Because Plaintiff is proceeding *pro se*, the Court will grant him another opportunity to submit the appropriate forms. Accordingly, the Court hereby **VACATES** the February 23rd R&R. (Doc. no. 5.)

Should Plaintiff choose to proceed with his case, Plaintiff **MUST** comply with the following instructions:

(1) Plaintiff must furnish the enclosed **Prisoner Trust Fund Account Statement** to the trust (financial) officer of each prison where he has been confined for the past six months. The trust officer will complete and sign the form and return the form and supporting documents to Plaintiff for submission to the Court. Two copies of the form are enclosed for this purpose.

(2) Plaintiff must sign and date the enclosed **Consent to Collection of Fees from Trust Account**. By signing this form, Plaintiff gives his consent to the collection of the entire filing fee from his prison account in installments, in accordance with the provisions of the Prison Litigation Reform Act.

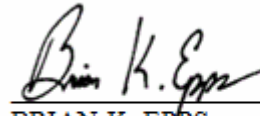
(3) Plaintiff must return both the **Prisoner Trust Fund Account Statement** and the **Consent to Collection of Fees from Trust Account** to the Clerk within thirty days of this Order.

Once Plaintiff has returned the required forms, the Court will review Plaintiff's complaint to determine which, if any, claims are viable and which, if any, Defendant should be served with a copy of the complaint.

Plaintiff is cautioned that while this action is pending, he shall immediately inform this Court of any change of address. Failure to do so will result in dismissal of this case, without prejudice.

**If Plaintiff fails to respond to this Order within thirty days, the Court will presume that Plaintiff desires to have this case voluntarily dismissed and will dismiss this action, without prejudice.**

SO ORDERED this 15th day of April, 2016, at Augusta, Georgia.



---

BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA