

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MICHAEL P. HUNTER,)	
)	
Plaintiff,)	
)	
v.)	Case No. CV413-035
)	
JUDGE LOUISA ABBOTT,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

In this inmate civil rights case the Court granted plaintiff Michael P. Hunter *in forma pauperis* (IFP) status, doc. 3, conditioned on his written consent to pay from his inmate account “an initial partial filing fee equal to 20 percent of the *greater of* (a) the average monthly *deposits* to my account, or (b) the average monthly balance in my account.” Doc. 4 at 1 (emphasis added). Hunter circled option (b) and signed his name to the Consent Form. *Id.* He then furnished a statement of his prison account, which reveals why he endeavored to limit his consent to option

(b): the average monthly balance has been only \$103.66, while the average monthly *deposits* (option (a)) has been \$622.00. Doc. 5.

Hunter improperly sought to condition his consent by allowing the collection of only a percentage of the average monthly *balance*, not the average monthly *deposits*, to his prisoner account, in violation of the statutory command that he pay “the greater of” the two figures. 28 U.S.C. § 1915 (b)(1). The Court then vacated its conditional IFP grant and directed him to pay the full filing fee within 21 days or suffer dismissal of his case. Doc. 6. In response, he “humbly requests that the court dismiss” his case “without prejudice” and correct the record regarding the \$622 amount (he claims error on that score). Doc. 7. He also moves to “negate and rectify” filings connected with a serially filing, jailhouse lawyer. Doc. 8. That “lawyer,” he explained, filed materials under Hunter’s name by way of a “Power of Attorney” that Hunter evidently granted to him. *Id.* at 1.

It would only waste further judicial resources to resolve Hunter’s latest motions, as opposed to simply granting his request to dismiss his case (no service has been ordered, and thus no answer has been filed). Accordingly, the Court **GRANTS** in part and **DENIES** in part his first

“Rectify” motion, doc. 7, and **DENIES** as moot his second (doc. 8) by directing the Clerk to collect no fee. It is recommended that this case be **DISMISSED** without prejudice.

SO REPORTED AND RECOMMENDED this 22nd day of
May, 2013.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA