

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

MALIKA HILL; TYRONE BROWN;)
STACY LEE TEMPLE; FREDDIE)
McBRIDE; TRAVIS D. BOYD;)
BRANDON K. SMITH; JOSEPH E.)
SIRMANS; TRAVIS STORY;)
MICHAEL D. WILKERSON;)
DARRYL W. WILLIAMS, JR.;)
RUDOLPH V. ORANGE; ANTONIO)
KING; JABYO BELL; CORINTHIAN)
LEE; JOSEPH STUCKEY; ANDY)
JONES; ANTHONY LEWIS; RANDY)
GORDON; and TODD SMITH,)

CIVIL ACTION NO. CV510-113

Plaintiffs,)

v.)

RANDY F. ROYAL, Sheriff;)
Nurse BENNETT; JIMMY)
STAPLETON; Sgt. BLUE;)
CARL JAMES; SHERLTINA)
SMITH; Ms. WILLIAM; Ms. REIDS;)
and WARE COUNTY JAIL)
ADMINISTRATION,)

Defendants.)


**MAGISTRATE JUDGE'S ORDER AND
REPORT AND RECOMMENDATION**

Plaintiffs filed this civil rights action pursuant to 42 U.S.C. § 1983 challenging the conditions of their confinement. Tyrone Brown, Brandon K. Smith, Jabyo Bell, Malika Hill, Joseph E. Sirmans, and Todd Smith have moved to proceed in *forma pauperis*. No other Plaintiff has paid the filing fee or filed the appropriate motion to proceed in forma

pauperis. Plaintiffs have attempted to file a single action in order to circumvent or pro-rate payment of the filing fee. The Prison Litigation Reform Act of 1996 ("PLRA") provides that a prisoner bringing a civil action in forma pauperis must pay the full filing fee. See 28 U.S.C. § 1915(b). The Eleventh Circuit Court of Appeals has determined that the language of the PLRA requires each prisoner to pay the full amount of the filing fee or face dismissal of his case. Hubbard v. Haley, 262 F.3d 1194, 1197-98 (11th Cir. 2001).

In light of this decision, the requests of Plaintiffs Tyrone Brown, Brandon K. Smith, Jabyo Bell, Malika Hill, Joseph E. Sirmans, and Todd Smith to proceed in forma pauperis are hereby **DENIED**. This case should be **DISMISSED**, without prejudice, and any Plaintiff who wishes to proceed should file a separate complaint.

SO ORDERED and **REPORTED AND RECOMMENDED**, this 10th day of December, 2010.



JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE