

Bruce Rauner  
Governor



John Baldwin  
Acting Director

## The Illinois Department of Corrections

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Centralia Correctional Center  
9330 Shattuc Rd, P.O. Box 1266 • Centralia, IL 62801 • (618) 533-4111 TDD: (800) 526-0844

September 28, 2017

Clerk of the U.S. District Court  
United States Courthouse  
327 South Church Street  
Rockford, Illinois 61101

Re: Case: 1:17-cv-00926 Request for Clarification

Dear Sir,

We respectfully request clarification of the following section of the above court order, so we can ensure we are interpreting the court order correctly:

The official "**shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10.00 until the filing fees are paid.**"

- We understand this section of the court order to mean that we are not to take the inmates' trust fund below \$10.00 when collecting court fess, this \$10.00 reserve would be available to the inmate so that he had the opportunity to purchase products necessary to maintain his personal hygiene.
- Any money spent by the inmate during the month would count towards the \$10.00 reserved for personal hygiene care, and there would be no carryover of unspent funds for the purpose of increasing the reserve for hygiene products the following month.
- We further understand that the collection of the court order would take precedence over other requests for payment from the Inmate's Trust Fund account.
- We are not to forward payments to the Court until we have collected at least \$10.00 to apply against his court ordered fee.

We would appreciate it if you could confirm that our understanding is correct, or advise us of any other direction that we are to take when complying with this court order.

Sincerely,

Nancy Stanfa, Business Administrator  
Centralia Correctional Center

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*Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.*

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purposes of qualifying for installment payments for the filing fee), he was obligated to notify the court of his accumulation of three strikes. Plaintiff did subsequently notify the court of his full litigation history after being so ordered, but he is admonished again that he must affirmatively notify any federal court of his three-strikes status in any case that falls within the subject matter of the PLRA, i.e., “a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity,” § 1915A, or risk dismissal of the action, particularly if plaintiff files an application for leave to proceed *in forma pauperis* within that case. See *Hoskins v. Dart*, 633 F.3d 541, 543-44 (7th Cir. 2011); *Ammons v. Gerlinger*, 547 F.3d 724, 725 (7th Cir. 2008) (citing *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999)).

Nor may plaintiff escape the filing fee obligations to this court he incurred in his prior cases, Nos. 02 C 4324 (Dkt. No. 5, assessing \$150 filing fee), 14 C 9945 (submitted without payment of \$400 filing fee), 14 C 50363 (submitted without payment of \$400 filing fee), 15 C 50141 (Dkt. No. 4, dismissing case for plaintiff’s fraud on court and advising plaintiff that, “[h]aving brought this action, [he] . . . remains obligated to pay the full [\$400] filing fee”). Plaintiff also incurred a \$505 appellate filing fee for Appeal No. 15-1446 (appeal of dismissal of 14 C 9945). Plaintiff’s outstanding unpaid fees total \$1,900. Although, per plaintiff’s application for leave to proceed *in forma pauperis* in this case, plaintiff has received trust fund account income sufficient to warrant payments toward his outstanding filing fees, the court has not received any payments toward those previously-incurred filing fees.

Accordingly, the court will forward this order to the trust fund account officials at plaintiff’s current place of incarceration to ensure compliance with payments for plaintiff’s fee obligations. The court authorizes and orders the trust fund officer at plaintiff’s place of incarceration to collect monthly payments from his account in an amount equal to 20% of the preceding month’s income credited to his trust fund account *for each case* (Appeal No. 15-1446; District Ct. Nos. 02 C 4324, 14 C 9945, 14 C 50363, and 15 C 50141) in which plaintiff has incurred a filing fee, until that filing fee is paid in full. *Bruce v. Samuels*, --- U.S. ---, 136 S. Ct. 627, 631 (2016) (“Just as § 1915(b)(1) calls for assessment of “an initial partial filing fee” each time a prisoner ‘brings a civil action or files an appeal’ (emphasis added), so its allied provision, § 1915(b)(2), triggered immediately after, calls for ‘monthly payments of 20 percent of the preceding month’s income’ simultaneously for each action pursued.”). The official “shall forward payments from the prisoner’s account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.” 28 U.S.C. § 1915(b)(2). The court directs the Clerk of Court to ensure that a copy of this order (along with a copy of the orders or docket entries referenced in the Order section above) is mailed to each facility where plaintiff is housed until the filing fees have been paid in full. All payments shall be sent to the Clerk of Court, United States District Court, 219 South Dearborn Street, Chicago, Illinois 60604, attn: Cashier’s Desk, 20th Floor, and shall clearly identify plaintiff’s name and the case number assigned to this case.