UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA HAMMOND DIVISION

JONATHAN FARLEY WASHINGTON, Plaintiff,))
V.)
DANNY SCHUMANN, CITY OF EAST)
CHICAGO, MAYOR ANTHONY)
COPELAND, CITY OF EAST CHICAGO)
POLICE DEPARTMENT and POLICE)
CHIEF ANGELO MACHUCA, JR.,)
Defendants.)

Cause No. 2:09-CV-270 PRC

OPINION AND ORDER

This matter is before the court *sua sponte*. On September 4, 2009, Plaintiff Washington, at the time an inmate at the Westville Correctional Facility, filed his Complaint along with a Motion requesting leave to proceed *in forma pauperis*. The Court granted Washington leave to proceed without full prepayment of fees and costs. Granting a prisoner's request to proceed *in forma pauperis* means that the inmate must pay the full filing fee, but may benefit from procedures whereby he will be permitted to pay the fee in installments from his prison trust account. 28 U.S.C. § 1915(b). Washington paid the initial partial filing fee on October 29, 2010, and made two small installment payments. He has paid a total of \$38.18, and still owes \$311.82 on the filing fee.

Plaintiff Washington has advised the Court that he has been released from custody and is no longer confined in any jail or penal facility. When a prisoner is released from custody, the Court must reconsider his pauper status and determine his ability to continue to make payments toward the filing fee. *Robbins v. Switzer*, 104 F.3d 895, 898 (7th Cir. 1997). The former prisoner must still pay "the sum that should have been remitted before release." *Id.* Failure to pay the initial partial filing fee and any installment payments the plaintiff should have made before his release will result in the dismissal of the case for failure to prosecute. *See id.* at 897.

Accordingly, the Court hereby **ORDERS** Plaintiff Washington to, on or before <u>July 20</u>, 2011:

(1) provide to the Court his prisoner trust account ledger statements for the period from October 29, 2010, until his release from the Indiana Department of Correction, upon receipt of which the Court will determine if Plaintiff owes any additional installment payments for that period; and

(2) either

(A) pay the remainder of the \$350.00 filing fee or

(B) advise the Court of his current financial situation.

The Court **DIRECTS** the Clerk to send to Plaintiff Washington, by certified mail return

receipt requested, this Order and a copy of the Court's in forma pauperis petition for non-prisoners.

Plaintiff Washington is **ADVISED** that failure to respond to this Order may result in dismissal of this case.

SO ORDERED this 20th day of June, 2011.

s/ Paul R. Cherry MAGISTRATE JUDGE PAUL R. CHERRY UNITED STATES DISTRICT COURT

cc: All counsel of record Plaintiff, *pro se*