

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF INDIANA
 NEW ALBANY DIVISION

BRADLEY M. RANDALL,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17-cv-00216-TWP-TAB
)	
JONATHAN SIMPSON,)	
)	
Defendant.)	

**Entry Granting Renewed Motion for Leave to Proceed *In Forma Pauperis*
 Directing Payment of Adjusted Initial Partial Filing Fee,
 And Denying Motion for Appointment of Counsel**

I. Filing Fee

The Court granted plaintiff Bradley M. Randall *in forma pauperis* status on November 21, 2017, and directed him to pay an initial partial filing fee of \$48.69 cents no later than December 19, 2017. Mr. Randall did not pay the fee or seek an extension of time to do so. On December 27, 2017, the Court directed Mr. Randall to pay the initial partial filing fee by January 12, 2018, or explain why doing so was not possible. Mr. Randall responded with a letter asserting that he could not pay the fee but wanted to proceed. The Court directed Mr. Randall to update his *in forma pauperis* documentation with current inmate account activity.

Mr. Randall submitted two additional months of inmate financial account transactions. Dkt. 9-1. Considering this information, and applying 28 U.S.C. § 1915(b)(1)(A), Mr. Randall’s renewed motion, dkt. [9], is **granted**. The Court adjusts Mr. Randall’s initial partial filing fee to **twenty-nine dollars and forty-two cents (\$29.42)**. This shall be paid to the clerk of the district court no later than **March 14, 2018**. Nevertheless, Mr. Randall still owes the entire \$350 filing fee. “All [28 U.S.C.] § 1915 has ever done is excuse pre-payment of the docket fees; a litigant

remains liable for them, and for other costs, although poverty may make collection impossible.” *Abdul-Wadood v. Nathan*, 91 F.3d 1023, 1025 (7th Cir. 1996). Screening of the complaint pursuant to 28 U.S.C. § 1915A shall take place after resolution of the fee issue.

II. Motion to Appoint Counsel

Mr. Randall’s January 29, 2018, letter concerning the filing fee also contains a request for counsel, which was separately docketed as a motion for appointed counsel. As docketed, the motion, dkt. [10], is **denied** as **premature**. The initial partial filing fee has not been paid, the complaint has not been screened, and defendant has not been served. The Seventh Circuit has found that “until the defendants respond to the complaint, the plaintiff’s need for assistance of counsel . . . cannot be gauged.” *Kadamovas v. Stevens*, 706 F.3d 843, 845 (7th Cir. 2013).

III. Conclusion

Mr. Randall is cautioned that he has been given multiple opportunities to pay the initial partial filing fee. The failure to pay the adjusted initial partial filing fee no later than **March 14, 2018**, will result in the dismissal of this action and the entry of final judgment without further notice.

IT IS SO ORDERED.

Date: 2/13/2018



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Bradley M. Randall
Jefferson County Jail
317 South Walnut St.
Madison, IN 47250