

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE
CIVIL ACTION NO. 3:16CV-P186-GNS**

JEREMY WAYNE WILLIAMS et al.

PLAINTIFFS

v.

HARDIN COUNTY DETENTION CENTER et al.

DEFENDANTS

MEMORANDUM AND ORDER

Three Plaintiffs, Jeremy Wayne Williams, Charles L. Wooten, and Stephen Todd Hines, filed the instant pro se 42 U.S.C. § 1983 action jointly. Plaintiff Williams filed an application to proceed without prepayment of fees (DN 3) and a prison trust account statement (DN 4).

However, the other two Plaintiffs did not file applications to proceed without prepayment of fees.

The Prison Litigation Reform Act of 1995 (PLRA) states that “if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee.” 28 U.S.C. § 1915(b)(1). See *McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 594 U.S. 199 (2007). Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner is required to pay the statutory filing fee under an installment plan. See *McGore*, 114 F.3d at 604. (“When an inmate seeks pauper status, the only issue is whether the inmate pays the entire fee at the initiation of the proceeding or over a period of time under an installment plan.”). Upon payment of an initial partial filing fee, the prisoner is then obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month’s income credited to his trust account. § 1915(b)(2). Although the PLRA does not specify how fees are to be assessed when multiple prisoners file a joint complaint, the Sixth Circuit has suggested that fees and costs be divided equally among the plaintiffs. See *In Re Prison Litigation Reform Act*, 105 F. 3d 1131, 1137-38 (6th Cir. 1997).


IT IS THEREFORE ORDERED that Plaintiffs **Charles L. Wooten and Stephen Todd Hines** shall tender a one-third portion of the **\$400.00** filing fee (**\$133.33**) or each file an application to proceed without prepayment of fees along with a certified copy of his prison trust account statement for the six months immediately preceding the filing of this action within **30** **days** from entry of this Order.

The **Clerk of Court is directed** to send Plaintiffs Wooten and Hines a prisoner application to proceed without prepayment of fees and affidavit form with the instant civil action number affixed to it. Should either Plaintiff wish to pay his portion of the filing fee, checks shall be made payable to **Clerk, U.S. District Court** and mailed to the following address: Office of the Clerk, United States District Court, Western District of Kentucky, 601 West Broadway, Ste. 106, Louisville, KY 40202-2249.

Any Plaintiff who fails to comply will be **dismissed** as a Plaintiff to this suit and be responsible for payment of his portion of the filing fee.

Date: May 10, 2016

cc: Plaintiffs pro se
4416.010



Greg N. Stivers, Judge
United States District Court