

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH**

TIMOTHY D. ROUSE, JR.

PLAINTIFF

v.

CIVIL ACTION NO. 5:10CV-P116-R

JAY JONES *et al.*

DEFENDANTS

MEMORANDUM AND ORDER


This matter is before the Court on Plaintiff's motion for order amending payment of the filing fee (DN 35). He asks the Court to enter an order directing the Kentucky State Penitentiary to collect funds from his account each time the amount in the account exceeds \$15.00, instead of \$10.00. He claims that the amount of the filing fee and the manner in which it is collected are within the discretion of the Court. Contrary to Plaintiff's assertion, these determinations are not discretionary.

Title 28 of the United States Code, Section 1915(b)(1) directs that a prisoner "shall be required to pay the full amount of the filing fee." Further, § 1915(b)(2) sets the amount a prisoner must pay following payment of the initial filing fee:

After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner 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.

In light of § 1915(b)'s mandates, **IT IS ORDERED** that Plaintiff's motion for order amending payment of the filing fee (DN 35) is **DENIED**.

Date: June 1, 2011


Thomas B. Russell
Chief Judge, U.S. District Court

cc: Plaintiff, *pro se*
Counsel of record
4413.005