

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DENNIS WEST (#93365)

VERSUS

CIVIL ACTION

MARK A. DUMAINE, ET AL

NUMBER 09-331-RET-SCR

RULING ON MOTION TO RECONSIDER

Before the court is the plaintiff's Motion to Reconsider. Record document number 11.

Plaintiff moved for reconsideration of the Ruling on Motion to Return Inmate Funds on the grounds that he did not authorize the removal of funds from his inmate account.

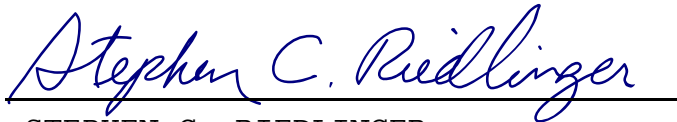
Plaintiff argued that he did not sign an "authorization sheet" to allow funds to be removed from his account. Plaintiff did not argue that he did not sign the Motion to Proceed in Forma Pauperis filed with his complaint.¹ As ruling explained, by moving to proceed in forma pauperis, the plaintiff acknowledged that prison officials shall be required to forward monthly payments from his inmate account until the entire filing fee is paid. No separate authorization by the plaintiff was required. If a separate authorization were required, then the prisoners could avoid paying the full filing fee by simply not signing the authorization. This

¹ The signatures on the complaint, the affidavit and Motion to Proceed in Forma Pauperis, the Motion to Return Funds, and this motion, appear to be the same.

would clearly be contrary to the 28 U.S.C. § 1915(b)(1) and (2), which specifically provide that the plaintiff shall be required to pay an initial partial filing fee and thereafter prison officials shall be required to forward monthly payments from the plaintiff's inmate account until the entire filing fee is paid.

For the reasons set forth in the Ruling on Motion to Return Inmate Funds and these additional reasons, the plaintiff's Motion to Reconsider is denied.

Baton Rouge, Louisiana, February 8, 2011.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE