

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROY BROWN,

Plaintiff,

Case No. 07-11312

v.

HONORABLE PATRICK J. DUGGAN

LINDA MATAUSZAK, ET.AL

Defendant(s).

AMENDED

**ORDER WAIVING PREPAYMENT OF THE APPELLANT FILING
FEE AND DIRECTING PAYMENT OF INITIAL PARTIAL
FILING FEE AND SUBSEQUENT PAYMENTS**

The Court has reviewed the plaintiff/appellant's financial affidavit, certified account statement or its equivalent, and signed authorization to withdraw funds. Having considered these items, the Court hereby **GRANTS** the application to proceed without prepayment of the filing fee for this appeal. See 28 U.S.C. § 1915(a)(1).

The plaintiff/appellant, a prisoner, must pay the full filing fee of \$455.00 for this appeal. 28 U.S.C. § 1915(b)(1). The Court must assess and, if funds exist, collect an initial partial filing fee.

Pursuant to 28 U.S.C. § 1915(b)(1), the custodian of the plaintiff/appellant's trust account at the institution where he resides is hereby **ORDERED** to compute as an initial partial payment, twenty percent (20%) of the greater of: (1) the average monthly deposits to plaintiff/appellant's account, or (2) the average monthly balance in plaintiff/appellant's account for the preceding six (6) months. After the plaintiff/appellant pays the initial partial filing fee, he must make monthly payments of twenty percent (20%) of the preceding month's income credited to his account. See 28 U.S.C. § 1915(b)(2).

Further, the custodian of the plaintiff/appellant's trust account is **ORDERED and DIRECTED** to: (1) withdraw or set aside the initial partial filing fee from plaintiff/appellant's trust fund account; (2) forward this amount to the Clerk of this Court within thirty (30) days of the date of this order; and (3) in subsequent months, or from time to time, forward payments of twenty percent (20%) of the preceding month's income credited to his account to the Clerk of this Court until plaintiff/appellant has paid the entire filing fee of \$455.00. If insufficient funds exist in the plaintiff/appellant's account to collect an initial partial filing fee, the amount due and subsequent amounts due shall be remitted as they become available.

The Court will notify the agency having custody of plaintiff/appellant when he has paid the entire filing fee. The Court has attached to this order a copy of the authorization to withdraw funds from plaintiff/appellant's trust fund account.

SO ORDERED.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: October 28, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 28, 2009, by electronic and/or ordinary mail. (Roy Brown, #217108, 17600 Ryan Rd. Detroit, MI 48212, Warden Booker 17600 Ryan Rd. Detroit, MI. And Julia Bell)

s/Marilyn Orem
Case Manager