

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERMAINE D. HUNTER,

Plaintiff,

v.

CASE NO. 10-11550
HON. GEORGE CARAM STEEH

JOHN D. O'HAIR, ROBERT WILLIAM
HOOD, ISIAIH McKINNON, TOMMY
R. ALSTON, S. CARTER, ROBERT R.
BUTUCEL, PAUL J. KULESA, and
OTHER UNKNOWN PARTIES,

Defendants.

ORDER DENYING PLAINTIFF'S LETTER REQUEST (ECF No. 8)

On April 16, 2010, plaintiff Jermaine D. Hunter filed a pro se civil rights complaint and an application to proceed without prepayment of the fees and costs for this action. As a prisoner, Plaintiff was required to either prepay the full filing fee for this action or to pay the filing fee on an installment basis. 28 U.S.C. §§ 1915(b)(1) and 1915(b)(2). Because he asked to proceed without prepaying the filing fee, the Magistrate Judge ordered Plaintiff to pay an initial partial filing fee of \$9.00 and, thereafter, to make monthly payments of twenty percent of the preceding month's income credited to his prison account until he paid the entire filing fee of \$350.00. The Magistrate Judge's order directed the Michigan Department of Corrections to withdraw the initial partial

filing fee and subsequent payments from Plaintiff's prison account and to forward the money to the Clerk of this Court. See ECF No. 5.

On April 15, 2016, Plaintiff wrote to the Court and stated that the Michigan Department of Corrections took \$190.00 from his prison account and placed the money in the Department's account instead of forwarding the money to the Court. Plaintiff also alleges in his letter that the Department of Corrections has collected more than \$190.00 from him, but he has found it difficult to calculate the amount paid in this case because he owes money for more than one filing fee. Plaintiff has asked the Court to order the Department of Corrections to forward the funds taken from his account to the Court to pay the filing fee in this case.

The Court's financial records show that the Department of Corrections has been making periodic payments on Plaintiff's account. To date, the Department of Corrections has forwarded a total of \$197.74 to the Court for this case. Thus, Plaintiff is mistaken when he says that the Department of Corrections withdrew over \$190.00 from his account and failed to forward the money to the Court.

Although the last payment in this case was made on August 25, 2015, Plaintiff admits that he owes money in more than one case. It is plausible that the Department of Corrections has applied some of the money withdrawn from Plaintiff's prison account to pay filing fees in other cases. The Court therefore denies Plaintiff's letter request (ECF No. 8) to order the Michigan Department of Corrections to forward additional funds to the Court. If Plaintiff does not want to wait for the Department of Corrections to forward additional monthly installments to the Court, he may send the entire balance

due (\$152.26) directly to the Court. The Court will notify the Department of Corrections when the full filing fee has been paid.

Dated: May 11, 2016

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 11, 2016, by electronic and/or ordinary mail and also on Jermaine Hunter #242663, Michigan Reformatory, 1342 West Main Street, Ionia, MI 48846.

s/Barbara Radke
Deputy Clerk