

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

VIRGIL MITCHELL

Appellant(s),

vs.

CASE NO: 10-CV-13483

JUDGE: Robert H. Cleland

WILLIAM JACKSON,

Appellee(s).

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

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

The 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.

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

Further, the custodian of the appellant's trust account **is directed** to: (1) withdraw or set aside the initial partial filing fee from 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 appellant's account to the Clerk of this Court until appellant has paid the entire filing fee of \$455.00.

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

s/Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 5, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 5, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522