

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HERBERT HELTON,

Plaintiff,

v.

CASE NO. 11-11780
HONORABLE AVERN COHN

ZIVIT COHEN, et al,

Defendants.

**ORDER DENYING REQUEST TO SUSPEND FILING FEE
AND DIRECTING PLAINTIFF TO INFORM THE COURT WITHIN FOURTEEN (14)
DAYS IF HE WISHES TO MAINTAIN THE CASE**

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff is proceeding pro se and in forma pauperis. On July 14, 2011, plaintiff filed a paper styled “Stipulation to Dismiss Complaint.” He asks to dismiss the complaint and for the Court to “suspend [the] filing fee.”

As to his request to suspend the filing fee, under the Prison Litigation Reform Act (“PLRA”), a prisoner, like plaintiff, who qualifies to proceed in forma pauperis in a civil rights action is still liable for the civil action filing fee and must pay the fee through partial payments as outlined in 28 U.S.C. § 1915(b). The PLRA does not allow any exemptions to the requirement that an indigent prisoner pay the filing fee over time. See White v. Paskiewicz, 89 F. App’x 582, 584 (6th Cir. 2004) (citing In re Prison Litigation Reform Act, 105 F.3d 1131, 1133-34 (6th Cir. 1997); McGore v. Wrigglesworth, 114 F.3d 601, 605 (6th Cir. 1997)). The payment schedule is

established by federal statute. See 28 U.S.C. § 1915(b)(2). Thus, the Court does not have the authority to refund or stop his required payments. Accordingly, plaintiff's request is DENIED.

In light of this, plaintiff shall advise the Court within fourteen (14) days from the date of this order as to whether he wants to maintain this case. If plaintiff fails to respond, the case will be dismissed.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: July 26, 2011

I hereby certify that a copy of the foregoing document was mailed to Herbert Helton 213835, G. Robert Cotton Correctional Facility, 3500 N. Elm Road, Jackson, MI 49201 on this date, July 26, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160