

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATHAN WILSON,

Plaintiff,

Case No. 1:02-cv-936

v.

Honorable Gordon J. Quist

UNKNOWN KLEIN et al.,

Defendants.

ORDER

This was a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. The Court dismissed Plaintiff's action on January 7, 2003. This matter now is before the Court upon Plaintiff's motion for an order regarding payment of the civil action filing fees in this case, as well as three other cases filed in this Court. *See Wilson v. Pelton et al.*, 1:06-cv-239 (W.D. Mich.); *Wilson v. Overton et al.*, 4:05-cv-82 (W.D. Mich.); *Wilson v. Caldwell et al.*, No. 2:06-cv-142 (W.D. Mich.).¹ The Court granted Plaintiff leave to proceed *in forma pauperis* in this case, but required payment of the civil action filing fee in monthly payments of twenty percent of the preceding month's income credited to Plaintiff's prison trust fund account in accordance with the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 28 U.S.C. § 1915(b)(1)-(2); *see McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997); *Hampton v. Hobbs*, 106 F.3d 1281 (6th Cir. 1997). These payments must be forwarded by the agency having custody of Plaintiff to the Clerk

¹Plaintiff also references the filing fee in *Wilson v. MDOC*, Case #261031, which was not a case filed in this Court. Because the filing fee in that case was not imposed by this Court, this court lacks jurisdiction to make any modification of that order.

of this Court each time the amount in Plaintiff's trust account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2); *McGore*, 114 F.3d at 607; *Hampton*, 106 F.3d at 1284. If the amount in Plaintiff's account is \$10.00 or less, no payment is required for that month. *Hampton*, 106 F.3d at 1284-1285.

Pursuant to the Court's orders granting Plaintiff leave to proceed *in forma pauperis*, the prison is collecting monthly payment of twenty percent for each of his cases, which would be eighty percent of his monthly income over \$10.00 for the four cases filed in this Court. Plaintiff essentially seeks an order requiring him to pay the filing fee in one case at a time so that he would make monthly payments of only twenty percent of his monthly income over \$10.00. Plaintiff is obligated to pay the civil action filing fee for each case filed in this Court. There is nothing in § 1915(b) that prohibits the prison from collecting multiple filing fees at the same time. Consequently, Plaintiff has not shown that he is entitled to a modification of the Court's order granting him leave to proceed *in forma pauperis* in the above-captioned case. Therefore:

IT IS ORDERED that Plaintiff's motion for an order regarding payment of the civil action filing fee (docket #18) is DENIED.

Dated: February 5, 1008

/s/ Gordon J. Quist

Gordon J. Quist
United States District Judge