

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

WILBERT GLOVER,

Civ. No. 18-0285 (DWF/BRT)

Plaintiff,

v.

ORDER

MATT BOSTROM; DAVE
METUSALEM; JOE PAGET, #9; and
SARGEANT RICHARD RODRIGUEZ,

Defendants.

Plaintiff Wilbert Glover has filed a response to the Court's February 6, 2018 Order setting an initial partial filing fee of \$74.50 before Glover may proceed with this action. *See* Doc. No. 5. The initial partial filing fee was calculated based on the formula set forth in 28 U.S.C. § 1915(b) and the certified information provided by prison officials in Glover's application to proceed *in forma pauperis* ("IFP"). *See* Doc. No. 2 at 6. Glover has since submitted an exhibit stating that his average "receipts" over that period amount to \$23.78, *see* Doc. No. 5-1 at 1—not, as his IFP application stated, \$142.57, *see* Doc. No. 2 at 6.¹ But even if Glover's average *deposits* are lower than originally reported, his initial partial filing fee was ultimately based upon his average *balance* of \$372.49. *See* Doc. No. 3 at 2-3.

¹ It may be that the figure recorded in Glover's IFP application is his *total* deposits over the six months, as that figure is almost exactly six times more than the amount provided in the later exhibit.

Nevertheless, given the discrepancy between the deposits amount originally provided in the IFP application and that later supplied, it may very well be that the original balance amount provided in the IFP application is also in error. Unfortunately, Glover has not provided sufficient information from which the Court could calculate his average trust account balance over the six months prior to the filing of this action. If Glover would like a recalculation of his initial partial filing fee, he may submit his prison trust statement from the six months preceding the filing for this action (August 2017 through January 2018) within 20 days of this order. Otherwise, the initial partial filing fee of \$74.50 must be paid within 20 days, failing which it will be recommended that this matter be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

SO ORDERED.

Dated: March 12, 2018

s/ Becky R. Thorson

BECKY R. THORSON

United States Magistrate Judge