

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JIM HARRIS, JR.,)
Plaintiff,)
v.)
CORIZON MEDICAL SERVICES,)
et al.,)
Defendants.)

No. 1:13CV147 LMB

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of plaintiff Jim Harris, Jr. (registration no. 45474), an inmate at Southeast Correctional Center (“SECC”), for leave to commence this action without payment of the required filing fee [Doc. #4]. For the reasons stated below, the Court finds that the plaintiff does not have sufficient funds to pay the entire filing fee and will assess an initial partial filing fee of \$23.28. See 28 U.S.C. § 1915(b)(1).

28 U.S.C. § 1915(b)(1)

Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner bringing a civil action in forma pauperis is required to pay the full amount of the filing fee. If the prisoner has insufficient funds in his or her prison account to pay the entire fee, the Court must

assess and, when funds exist, collect an initial partial filing fee of 20 percent of the greater of (1) the average monthly deposits in the prisoner's account, or (2) the average monthly balance in the prisoner's account for the prior six-month period. After payment of the initial partial filing fee, the prisoner is required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of Court each time the amount in the prisoner's account exceeds \$10, until the filing fee is fully paid. *Id.*

Plaintiff has submitted an affidavit and a certified copy of his prison account statement for the six-month period immediately preceding the submission of his complaint. A review of plaintiff's account indicates an average monthly deposit of \$116.42, and an average monthly balance of \$5.00. Plaintiff has insufficient funds to pay the entire filing fee. Accordingly, the Court will assess an initial partial filing fee of \$23.28, which is 20 percent of plaintiff's average monthly deposit.

Accordingly,

IT IS HEREBY ORDERED plaintiff's motion to proceed in forma pauperis [Doc. #4] is **GRANTED**.

Dated this 23rd day of January, 2014.



LEWIS M. BLANTON
UNITED STATES MAGISTRATE JUDGE