

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BILLIE JOE CHAPMAN,	)	
	)	
Plaintiff,	)	4:14CV3141
	)	
v.	)	
	)	
YVONNE D. SOSA-GAYTON, TIM	)	MEMORANDUM AND ORDER
BURNS, DOUGLAS COUNTY PUBLIC	)	
DEFENDERS OFFICE, and JUDGE	)	
CONIGLIA,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on plaintiff's motion (Filing No. [9](#)) asking the Court to waive payment of the Court's \$350.00 filing fee.

Under the Prison Litigation Reform Act, an indigent inmate who files a lawsuit in federal court must pay the \$350.00 filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the Court in installments. The method for collecting the filing fee from a prisoner is specifically provided for in [28 U.S.C. § 1915\(b\)](#). Section 1915(b) is written in mandatory terms ("shall"), leaving no discretion to the district court to waive an in forma pauperis prisoner's filing fee. Pursuant to [28 U.S.C. § 1915\(b\) \(1\)](#), plaintiff must pay an initial partial filing fee in the amount of 20 percent of the greater of plaintiff's average monthly deposits

or average monthly account balance for the six months preceding the filing of the complaint.

Plaintiff's trust account statement reflects that the average monthly deposits to his inmate trust account is \$29.10 (Filing No. [5](#)). Accordingly, plaintiff must pay an initial partial filing fee in the amount of \$5.82, which is 20 percent of \$29.10. As set forth in the Court's memorandum and order dated August 8, 2014, plaintiff must pay this initial partial filing fee by September 4, 2014. Plaintiff may request an extension of time if needed.

IT IS ORDERED that plaintiff's motion (Filing No. [9](#)) requesting waiver of the filing fee is denied.

DATED this 12th day of August, 2014.

BY THE COURT:

/s/ Lyle E. Strom

---

LYLE E. STROM, Senior Judge  
United States District Court

---

\* This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the Court has no agreements with any of these third parties or their Web sites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.