

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRY TYLER,

8:10CV315

Plaintiff,

v.

**MEMORANDUM
AND ORDER**

LAURIE SMITH CAMP,

Defendant.

This matter is before the court on Plaintiff's correspondence asking the court to order the prison to stop collecting the filing fee from prisoner's trust account, and also asking the court to refund some of the money Plaintiff has already paid toward the filing fee. (Filing No. [19](#).) Plaintiff states that payment of the filing fee is "becoming a heavy burden," which has caused him "severe depression." (*Id.*)

Under the Prison Litigation Reform Act ("PLRA"), 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*. Here, the court's records reflect that Plaintiff still owes \$28.50 toward the payment of the \$350.00 filing fee. He must pay the balance in installments as required under the PLRA.

IT IS THEREFORE ORDERED that: Plaintiff's request that the court waive payment of the filing fee and refund a portion of the filing fee (Filing No. [19](#)) is denied.

DATED this 15th day of July, 2014.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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