

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

CLIFFORD J. DAVLIN,	)	
	)	
Plaintiff,	)	8:11CV396
	)	
v.	)	
	)	
TIM MILLER, Unit Manager,	)	MEMORANDUM AND ORDER
Housing Unit # 3, Nebraska	)	
State Penitentiary; and	)	
O. PEREZ, Case Worker,	)	
Housing Unit # 3, Nebraska	)	
State Penitentiary, and in	)	
their individual and official	)	
capacities,	)	
	)	
Defendants.	)	
	)	

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This matter is before the Court on plaintiff's November 14, 2012, letter, which the Court construes as a motion to stop payment of filing fee (Filing No. [29](#)). In his motion, plaintiff requests that the Court cease collection of the filing fee in this matter because it has been dismissed. ([Id.](#))

Pursuant to the Prison Litigation Reform Act ("PLRA"), a prisoner plaintiff is required to pay the full amount of the Court's \$350.00 filing fee by making monthly payments to the Court, even if the prisoner is proceeding IFP. [28 U.S.C. § 1915\(b\)](#). "[T]he PLRA makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal." [In re Tyler, 110 F.3d 528, 529-30 \(8th Cir. 1997\)](#); [Jackson v. N.P. Dodge Realty Co., 173 F. Supp. 2d 951 \(D. Neb. 2001\)](#). Further, a prisoner plaintiff remains responsible

for the entire filing fee, as long as he is a prisoner, even if the case is dismissed at some later time. [Tyler, 110 F.3d at 529-30](#); [Jackson, 173 F. Supp. 2d at 951](#). Thus, even though this matter has been dismissed, plaintiff remains responsible for the entire filing fee.

IT IS ORDERED:

1. Plaintiff's November 14, 2012, letter, construed as a motion to stop payment of filing fee (Filing No. [29](#)), is denied.

2. The clerk of the court is directed to send a copy of this Memorandum and Order to the appropriate official at plaintiff's institution.

DATED this 14th day of December, 2012.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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