

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DEANDRE CRITTENDEN,)	
)	
Plaintiff,)	8:15CV427
)	
V.)	
)	
CITY OF OMAHA, a political)	ORDER
subdivision of the State of Nebraska,)	
and PAUL HASIAK, both)	
individually and officially as an officer)	
of the Omaha Police Department,)	
)	
Defendants.)	

This matter is before the Court on Plaintiff’s Motion for Leave to Proceed In Forma Pauperis (“IFP”). ([Filing 8.](#)) Plaintiff, who is currently incarcerated, is represented by counsel in this matter.

Pursuant to the Prison Litigation Reform Act, 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).

Thus, 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 account balance or average monthly deposits for the six months preceding the filing of the complaint. In addition to the initial partial filing fee, Plaintiff must “make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account.” [28 U.S.C. § 1915\(b\)\(2\)](#).

Plaintiff has not submitted a certified copy of his trust account statement. Therefore, his Motion for Leave to Proceed In Forma Pauperis will be denied without prejudice to reassertion following submission of a proper trust account statement.

IT IS SO ORDERED.

DATED January 20, 2016.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**