

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THOMAS D. SAILORS,

Plaintiff,

vs.

UNITED STATES ATTORNEY GENERAL,

Defendant.

8:18CV189**ORDER**

This matter is before the Court on the order of the 8th Circuit Court of Appeals stating that “this case is remanded to the district court for calculation and collection of appellate filing fees pursuant to *Henderson v. Norris*, 129 F.3d 481 (8th Cir. 1997).” [Filing No. 122](#). The Court has reviewed the motion for leave to appeal in forma pauperis, [Filing No. 119](#), and granted said motion, [Filing No. 120](#), prior to appeal. Attached to [Filing No. 118](#) is an itemization from the plaintiff prisoner’s trust account. It shows a total of \$57.73 dollars in the account on June 29, 2021. The average account balance over the preceding six months totals \$73.87. The average monthly deposits over the preceding six months totals \$12.10.

Pursuant to [28 U.S.C. 1915](#) (b)(1-2), the prisoner is responsible for paying twenty percent of either the average monthly deposits in the prisoner’s account; or the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint, whichever is greater. Therefore, since the defendant’s monthly balance is greater than his average monthly deposits, defendant is ordered to pay \$14.77, due immediately to the Clerk of the Court, as partial filing fee. Furthermore, payments

equal to twenty percent of the defendant's monthly income are due monthly, the BOP shall forward the collected amount once it exceeds \$10 until the filing fees are paid.

SO ORDERED.

Dated this 13th day of December, 2021.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge