

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Ronald Eddy

v.

Civil No. 09-cv-116-JD

Michael Schofield

O R D E R

In response to the court's order issued on July 1, 2009, which gave Ronald Eddy a final opportunity to show that he was entitled to proceed in forma pauperis despite his failure to pay the initial partial filing fee, Eddy has filed an affidavit of his assets and a copy of his prison trust account statement. Eddy's affidavit shows that he receives about \$17.00 in monthly pay at the prison and has no other financial resources. His trust account statement confirms his wages and shows that he spends his entire income on canteen sales, postage, and photocopy charges.

To proceed in forma pauperis, Eddy is required to pay the full amount of the filing fee through an initial partial payment and installment payments deducted from his prison account. 28 U.S.C. § 1915(b); Porter v. Dep't of Treasury, 564 F.3d 176, 180 (3d Cir. 2009). He is assessed an initial partial filing fee of \$3.40, which is twenty percent of the average monthly deposits to his account. § 1915(b)(1)(A). Therefore, Eddy shall pay the

initial partial filing fee of **\$3.40 on or before August 13, 2009.** In addition, he shall make monthly payments of twenty percent of the preceding month's income that is credited to his prison account, when it exceeds \$10, which shall be remitted by the New Hampshire State Prison for Men until the full filing fee of \$350 is paid. **Failure to pay the initial partial filing fee on or before August 13, 2009, will result in the dismissal of the action without prejudice.**

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

July 22, 2009

cc: Ronald Eddy, pro se