

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

	:	
JAMAL BELTON,	:	
	:	Civil Action No. 18-6022 (ES)
Plaintiff,	:	
	:	
v.	:	MEMORANDUM AND ORDER
	:	
MERRILL MAIN, et al.,	:	
	:	
Defendants.	:	
	:	

SALAS, DISTRICT JUDGE

Plaintiff Jamal Belton, a civilly committed individual who is currently confined at the Special Treatment Unit at East Jersey State Prison in Avenel, New Jersey, seeks to bring this civil action *in forma pauperis*, asserting claims pursuant to 42 U.S.C. § 1983.

The entire fee to be paid in advance of filing a civil complaint is \$400. That fee includes a filing fee of \$350 plus an administrative fee of \$50, for a total of \$400. If *in forma pauperis* status is denied, the litigant must pay the full \$400, including the \$350 filing fee and the \$50 administrative fee, before the complaint will be filed.

In this action, Plaintiff submitted a complete *in forma pauperis* application (D.E. No. 1-1), however, he used the form for prisoners. As stated above, Plaintiff is not a prisoner, but rather a civilly committed individual. The prisoner and non-prisoner *in forma pauperis* applications require different information. Therefore, the Court will deny his *in forma pauperis* application *without prejudice*. The Court will direct the Clerk of the Court to (1) administratively terminate this action and (2) send Plaintiff a blank “Application To Proceed *In Forma Pauperis*-Non Prisoner

(AO 239).” The Court will provide Plaintiff with 30 days in which to complete and sign the *in forma pauperis* application and re-submit the application to the Court.¹

THEREFORE, it is on this 6th day of June 2018;

ORDERED that Plaintiff’s request to proceed *in forma pauperis* is hereby **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED that the Clerk of the Court shall **ADMINISTRATIVELY TERMINATE** this case, without filing the complaint or assessing a filing fee; Plaintiff is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, *see Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (3d Cir. 2013) (describing prisoner mailbox rule generally); *Dasilva v. Sheriff’s Dept.*, 413 F. App’x. 498, 502 (3rd Cir. 2011) (“[The] statute of limitations is met when a complaint is submitted to the clerk before the statute runs”); and it is further

ORDERED that the Clerk of the Court shall send Plaintiff a blank form “Application to Proceed *In Forma Pauperis*-Non Prisoner (AO 239)”; and it is further

ORDERED that if Plaintiff wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Room 4015, Newark, NJ 07101, within 30 days of the date of entry of this Order; Plaintiff’s writing shall include either (1) a complete, signed *in forma pauperis* application, or (2) the \$400 fee including the \$350 filing fee plus the \$50 administrative fee; and it is further

¹ The Court notes that Plaintiff indicated on his prisoner *in forma pauperis* application that he is not employed at his current institution. (D.E No. 1-1, ¶ 2). However, some of the facts alleged in his Complaint suggest he may have a job. (D.E. No. 1, Complaint at 9). Plaintiff is advised to ensure that any subsequent *in forma pauperis* application is accurate in its entirety.

ORDERED that upon receipt of a writing from Plaintiff stating that he wishes to reopen this case, and either a complete *in forma pauperis* application or payment of the filing and administrative fees within the time allotted by this Court, the Clerk of the Court will be directed to reopen this case; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular U.S. mail.

s/Esther Salas
Esther Salas, U.S.D.J.