

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ALAN D. GARRETT,

Plaintiff,

v.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY,
et al.,

Defendants.

Civil Action No. 17-2924-BRM-DEA

MEMORANDUM OPINION

MARTINOTTI, DISTRICT JUDGE

Before this Court are: (1) a Complaint asserting claims pursuant to 42 U.S.C. § 1983 (ECF No. 1); and (2) an application to proceed *in forma pauperis* (ECF No. 1-1) filed by Plaintiff Alan D. Garrett (“Plaintiff”), a prisoner confined in USP-Atlanta. For the reasons set forth below, Plaintiff’s application to proceed *in forma pauperis* is **DENIED WITHOUT PREJUDICE**.

The Prison Litigation Reform Act of 1995 (the “Act”), which amends 28 U.S.C. § 1915, establishes certain financial requirements for prisoners who are attempting to bring a civil action *in forma pauperis*. Under the Act, a prisoner bringing a civil action *in forma pauperis* must submit an affidavit, including a statement of all assets, which states that the prisoner is unable to pay the fee. 28 U.S.C. § 1915(a)(1). The prisoner also must submit a certified copy of his inmate trust fund account statement for the six-month period immediately preceding the filing of his complaint. 28 U.S.C. § 1915(a)(2). The prisoner must obtain this statement from the appropriate official of each prison at which he was or is confined. *Id.*

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. If *in forma pauperis* status is denied, a prisoner is required to pay the entire \$400, including both the \$350 filing fee and \$50 administrative fee,

before his complaint will be filed. If the prisoner is granted *in forma pauperis* status, however, he will only be assessed a filing fee of \$350 and will not be responsible for the \$50 administrative fee. For those prisoners who receive *in forma pauperis* status, the prisoner must pay the full amount of the \$350 filing fee as follows: in each month that the amount in the prisoner's account exceeds \$10.00, until the \$350.00 filing fee is paid, the agency having custody of the prisoner shall assess, deduct from the prisoner's account, and forward to the Clerk of the Court, payment equal to 20% of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b)(2).

In this action, Plaintiff failed to submit a complete *in forma pauperis* application as required by 28 U.S.C. § 1915(a)(1), (2). Although Plaintiff has provided an affidavit of indigence, he failed to provide the Court with a certified account statement as required by § 1915(a)(2). Accordingly, Plaintiff has failed to provide a complete *in forma pauperis* application, and his application is denied without prejudice.

Dated: May 19, 2017

/s/ *Brian R. Martinotti*
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE