

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CHARLES GLENN,

Plaintiff,

v.

STEVE JOHNSON, et al.,

Defendants.

Civil Action No. 17-3802-BRM-TJB

MEMORANDUM OPINION

Before this Court is a complaint (ECF No. 1) and application to proceed *in forma pauperis* (ECF No. 1-1) filed by Plaintiff Charles Glenn (“Plaintiff”), a prisoner confined in New Jersey State Prison, raising civil rights claims pursuant to 42 U.S.C. § 1983. For the reasons set forth below, Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1-1) 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 has failed to submit a complete *in forma pauperis* application as required by 28 U.S.C. § 1915(a)(1)-(2). Although Plaintiff has submitted an account statement from New Jersey State Prison, that statement has neither been certified by the appropriate official at the prison, nor accompanied by an affidavit from Plaintiff setting forth all of his assets and showing his inability to pay the filing fees in this matter as required by § 1915(a)(1) to (2). Accordingly, Plaintiff has failed to provide a complete *in forma pauperis* application, and his application is denied without prejudice.

Dated: June 5, 2017

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