

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ERIC SEAN JORDAN,

Plaintiff,

vs.

Civil Action 2:06-CV-779
Magistrate Judge King

SCOTT CHRISTIAN,

Defendant.

ORDER

Plaintiff, a state inmate, instituted this action without prepayment of fees or costs pursuant to 28 U.S.C. §1915(b). *Order*, Doc. No. 2. The record reflects that the institution in which plaintiff is incarcerated has been submitting regular partial payments of the filing fee. This matter is now before the Court on plaintiff's motion to arrange a payment plan. Doc. No. 42. In his motion, plaintiff asks that payment of the filing fee in this action be limited to \$2.50 per month. *Id.*¹

The Court understands, and is sympathetic to, plaintiff's financial constraints. However, Congress has mandated that a plaintiff-prisoner is "required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10.00 until the filing fees are paid." 28 U.S.C. §1915(b)(2). Although it is not entirely clear by what method the partial payments

¹This is one of two cases filed by plaintiff in this Court and on which payment of the filing fees is being made.

have been calculated, it is clear that the relief sought by plaintiff, *i.e.*, partial payments calculated in a manner not authorized by the statute, is beyond the power of this Court. *See also Thomas v. Smith*, 2008 WL 5105158 (S.D. Ohio, December 1, 2008) (payment of filing fees by plaintiff-inmate is to be made on a "per case" basis and not a "per prisoner" basis).

Accordingly, plaintiff's motion to arrange a payment plan, Doc. No. 42, is **DENIED**.

May 5, 2009

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge