

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

Gary Lee Williams, :
 :
Plaintiff : Civil Action 2:09-cv-01068
 :
v. : Judge Sargus
 :
Lisa L. Sadler, *et al.*, : Magistrate Judge Abel
 :
Defendants :

ORDER


Plaintiff Gary Lee Williams, a prisoner at the Chillicothe Correctional Institution, has filed a complaint alleging under 42 U.S.C. § 1985 that defendants conspired to deprive him of rights in connection with a criminal indictment. This matter is before the Court on plaintiff Williams' July 22, 2010 motion to correct clerical error (doc. 26).

Essentially, Williams is attempting to re-argue the Court's previous rulings that, as a prisoner, he is required to either pay the \$350 filing fee for a civil action or move to proceed *in forma pauperis*, executing an Application and Affidavit by An Incarcerated Person to Proceed Without Prepayment of Fees and costs and submitting it together with a cashier's statement of his inmate funds.

As the Court has previously repeatedly said, there is no merit in plaintiff's argument that he has not been convicted of a crime. He is incarcerated at the Chillicothe Correctional Institution and his complaint alleges that defendants conspired to cause him to be unlawfully indicted. The Ohio Department of Rehabilitation and Correction

website reports that Williams was convicted in 2001 in the Court of Common Pleas for Franklin County, Ohio of GSI and rape. He is serving aggregate terms of up to 25 years in prison.¹ Plaintiff's argument that he is bringing the suit under 42 U.S.C. § 1985, not § 1983, and is therefore not required to comply with § 1915(a) fails to read the statute. It provides that any "prisoner seeking to bring a civil action" must either pay the \$350 filing fee or move to proceed in forma pauperis, providing the court with a certified copy of his inmate trust fund account for the previous six months. A suit under § 1985 is "a civil action" within the compass of § 1915(a).

Accordingly, plaintiff Williams' July 22, 2010 motion to correct clerical error (doc. 26) is DENIED.

 9-20-2010
Edmund A. Sargus, Jr.
United States District Judge

¹<http://www.drc.ohio.gov/OffenderSearch/Search.aspx> (Accessed January 5, 2010).