

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

Perrin Burse, :
 :
Plaintiff, : Case No. 2:15-cv-2992
 :
v. : JUDGE ALGENON L. MARBLEY
 : Magistrate Judge Kemp
Charlotte Jenkins, et al., :
 :
Defendants. :

ORDER

Plaintiff, a state prisoner, has submitted a request to file a civil action in forma pauperis. The request is not accompanied by sufficient information to allow the Court to determine what filing fee to assess. Under the Prison Litigation Reform Act, all prisoners who wish to proceed in forma pauperis must pay either the entire filing fee for the action (\$400.00 for a regular civil action, or \$5.00 for a habeas corpus case) at the time the case is filed, or pay an initial partial filing fee followed by monthly installments which must be remitted until the entire fee has been paid.

28 U.S.C. §1915(a) provides that a prisoner who files a civil action and requests relief from prepayment of the fee shall submit a certified copy of the trust fund account statement (or institutional equivalent), for a six-month period immediately preceding the filing of the complaint, and further provides that the prisoner is required to pay the full amount of the filing fee. That amount is to be collected through an initial assessment of 20 percent of the greater of the average monthly deposits to the prisoner's account or the average monthly balance in the account for the six-month period immediately preceding the filing of the complaint, and through monthly payments to be made

thereafter in the amount of 20 percent of the preceding month's income credited to the prisoner's account.

Plaintiff has not submitted the required information. Consequently, he is directed to submit to the Court, within 30 days of the date of this order, a certified account from the prison cashier which indicates both the average monthly balance in his account for the last six months and the amount of income credited to his account during those months. Upon receipt of that information, the Court will calculate the initial partial filing fee and the monthly installments, and a separate order directing payment will issue. If the information requested by this order is not received by that date, the Court will assume that plaintiff has decided not to pursue this case, and the request for leave to proceed in forma pauperis (i.e. by paying an initial partial filing fee with the balance paid in installments) will be denied. At that point, the Court is required to assume that plaintiff is not a pauper, and it will (1) assess plaintiff the full amount of the filing fee; (2) dismiss the case for want of prosecution; and (3) not reinstate the case to the Court's active docket **even if the filing fee is then paid in full.** See In re Prison Litigation Reform Act, No. 97-01 (6th Cir., February 4, 1997), 1997 WL 40203.

/s/ Terence P. Kemp
United States Magistrate Judge