

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DENNIS McDOWELL,

Plaintiff,

-vs-

MIAMI COUNTY INCARCERATION
FACILITY, et al.,

Defendants.

:

Case No. 3:05-cv-003

District Judge Thomas M. Rose

Chief Magistrate Judge Michael R. Merz

:

ORDER

Plaintiff in this case is an inmate at the Miami County Incarceration Facility and brings this action to complain of medical care during his incarceration, particularly failure to treat his thyroid condition, his back, his mental illness, and his diabetes.

Plaintiff signed his *pro se* Complaint in late June, 2005. However, instead of sending it to the Clerk for filing, he sent it directly to a judge of this Court. The judge forwarded it to the Clerk and ordered that it be filed, which occurred on January 5, 2006. Although a judge has ordered the case filed, there are several other procedural steps which must happen before the case can proceed.

First of all, because Plaintiff filed the case as a prisoner, he is required to pay the entire filing fee under the Prison Litigation Reform Act of 1995 Title VIII of P.L. 104-134, 110 Stat. 1321(effective April 26, 1996)(the "PLRA"). The Court must assess an initial filing fee based on Plaintiff's income and average jail account balances over the last six months. Accordingly, the Clerk is ORDERED to furnish Plaintiff with the appropriate application for leave to proceed *in forma pauperis* which Plaintiff shall complete and file by January 31, 2006.

Once the Court has assessed an initial filing fee, Plaintiff must prepare summons and forms for instructing the Marshal to make service. Blank copies of those forms are available from the Clerk.

January 6, 2006.

s/ **Michael R. Merz**
Chief United States Magistrate Judge

H:\DOCS\McDowell v. MCIF.wpd