

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

JOHN R. DEMOS,

Plaintiff,

:

Case No. 3:10-cv-116

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

UNITED STATES OF AMERICA,

Defendant.

ORDER REQUIRING AMENDED APPLICATION TO PROCEED *IN FORMA PAUPERIS*

Plaintiff, a prisoner, has filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a) in connection with a civil suit. In accordance with section 804(a)(3) of the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321, amending 28 U.S.C. § 1915, plaintiff must pay an initial partial filing fee of 20 percent of the greater of the average monthly deposits to his or her prison account or the average monthly balance in his or her account for the six-month period immediately preceding the filing of the complaint. After payment of the initial partial filing fee, plaintiff is further required to make monthly payments of 20 percent of the preceding month's income credited to his or her prison account until he or she pays the full amount of the filing fee. Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321, 804(a)(3).

Plaintiff's application reveals that he or she has insufficient funds in his or her prison account to pay the full filing fee. Indeed, his Application to Proceed *in forma pauperis* is made on a form for another court and does not include the information required to proceed *in forma pauperis*

under the Prison Litigation Reform Act. The Court has provisionally granted *in forma pauperis* status by notation order so that it can proceed to analyze the case as required by 28 U.S.C. § 1915A.

However, the Court is required by the PLRA to assess an initial filing fee and to collect the entire filing fee. It is accordingly ORDERED that Plaintiff file an amended Application to Proceed *in forma pauperis* on this Court's required form and return the same to the Court not later than April 15, 2010. The Clerk shall furnish a blank *in forma pauperis* form to the Plaintiff with his copy of this Order.

March 29, 2010.

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