

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

JOSHUA DARRELL GILLISPIE,	:	Case No. 3:17-cv-61
	:	
Plaintiff,	:	District Judge Walter H. Rice
	:	Magistrate Judge Sharon L. Ovington
vs.	:	
	:	
CYNTHIA COOK, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER GRANTING PRISONER *IN FORMA PAUPERIS* STATUS
AND ORDERING THE COLLECTION OF THE FULL FILING FEE**

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 § 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 prison account or the average monthly balance in his 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 prison account until he 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 has insufficient funds in his prison account to pay the full filing fee of \$400.00; he currently possesses the sum of \$.33 as of February

27, 2017 in his prison account; and his average monthly deposits for the six-month period prior to the filing of the complaint amounted to \$102.89.

After consideration by this Court of Plaintiff's affidavit of indigence only, without regard to the merits of this case, Plaintiff's motion to proceed *in forma pauperis* (Doc. # 2) is hereby GRANTED pursuant to 28 U.S.C. § 1915(a) as follows: **Plaintiff is assessed an initial partial filing fee of \$20.58** (20 percent of average monthly deposits). The incarcerating institution is ORDERED to forward from Plaintiff's prison account to the Clerk of Court located in Dayton, Ohio, the initial partial filing fee assessed against Plaintiff, when funds are available in Plaintiff's account, until such initial fee is paid. Thereafter, the incarcerating institution is ORDERED to forward to the Clerk of Court located in Dayton, Ohio, monthly payments of 20 percent of Plaintiff's preceding month's income credited to his prison account each time the amount in Plaintiff's account exceeds \$10.00 until the full amount of the filing fee is paid. ***The prisoner's name and case number must be noted on each remittance.***

Checks are to be made payable to: **Clerk, U.S. District Court**

Checks are to be sent to: **Prisoner Accounts Receivable
Room 712
200 West Second Street
Dayton, Ohio 45402**

The Clerk of Court is directed to hold Service of Summons pending initial review of Complaint.

March 10, 2017

s/Sharon L. Ovington

Sharon L. Ovington
United States Magistrate Judge