

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

FILED

MICHAEL D. LOWERY,)
JAMES E. LANE, and)
ELCO Q. PIERCE,)

Plaintiffs,)

v.)

DREW EDMONDSON, et al.,)

Defendants.)

AUG 12 2009

WILLIAM B. GUTHRIE
Clerk, U.S. District Court

By _____
Deputy Clerk

No. CIV 09-286-RAW-SPS

ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS

The plaintiffs, who are prisoners seeking to bring a civil action, have filed motions for leave to proceed *in forma pauperis* and supporting affidavits in conformance with 28 U.S.C. § 1915(a) [Dockets #2, #3, and #4]. Having reviewed the motions, the court finds the plaintiffs have sufficient funds to prepay the filing fee of \$350.00, pursuant to Local Rule 3.3(e). The plaintiffs' motions, therefore, are denied, and they must prepay the filing fee for this action to proceed.

IT IS HEREBY ORDERED that:

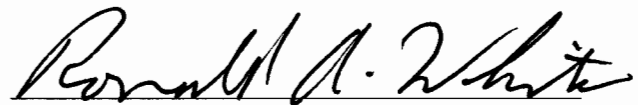
- (1) **Plaintiff Michael D. Lowery** forward **\$116.67** as his share of the filing fee;
- (2) **Plaintiff James E. Lane** forward **\$116.67** as his share of the filing fee; and
- (3) **Plaintiff Elco Q. Pierce** forward **\$116.66** as his share of the filing fee.

Each plaintiff shall forward his share of the filing fee within twenty (20) days, or show cause by that date why he does not have the assets with which to pay the filing fee. The

agency having custody of the plaintiffs is ordered to release funds from the plaintiffs' accounts, including their trust accounts, for payment of the filing fee. The plaintiffs are advised that unless by the date set forth above they have either (1) paid the full \$350.00 filing fee, or (2) shown cause in writing for their failure to pay, this action will be subject to dismissal without prejudice to refileing, and no fees or costs will be imposed or collected. Moreover, the plaintiffs may voluntarily dismiss this action in accordance with Fed. R. Civ. P. 41(a) on or before the date set forth above without incurring any fees or costs.

IT IS FURTHER ORDERED that the Clerk of the Court send a copy of this order to the plaintiffs' custodian and to the trust fund officer at their institution.

IT IS SO ORDERED this 12th day of August 2009.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE