

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

DANNY DEWAYNE BREWER,)	
)	
Plaintiff,)	
)	
v.)	No. CIV 13-471-RAW-SPS
)	
DEANA GILROY, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

On October 21, 2013, the court directed plaintiff to pay an initial partial filing fee of \$38.12 to proceed in this action [Docket No. 5]. He subsequently filed a motion seeking relief with respect to payment of the fee, alleging his request to prison officials for release of funds to pay the fee was denied [Docket No. 9]. He has submitted a copy of his November 5, 2013, Request to Staff in which the staff's response stated plaintiff did not have enough money in his account to pay the required fee [Docket No. 9 at 5]. A review of plaintiff's motion for leave to proceed *in forma pauperis*, however, indicates he had balances of \$108.78 in his savings account and \$0.46 in his draw account on September 25, 2013 [Docket No. 2 at 3].

. . . Funds from [an inmate's mandatory savings] account may be used by the inmate for fees or costs in filing a civil or criminal action as defined in Section 151 *et seq.* of Title 28 of the Oklahoma Statutes or for federal action as defined in Section 1911 *et seq.* of Title 28 of the United States Code

Okla. Stat. tit. 57, § 549(A)(5). 28 U.S.C. § 1911 concerns payment of “[t]he fees of the clerk, cost of serving process, and other necessary disbursements incidental to any case before the [United States Supreme Court].” *See also* 28 U.S.C. § 1914 (filing fees for federal district courts).

ACCORDINGLY, plaintiff's motion for relief regarding release of funds [Docket No. 9] is **GRANTED**, and his custodian is directed to release funds within ten (10) days for payment of the \$38.12 initial partial filing fee. The Court Clerk is directed to send a copy of this order to plaintiff's custodian and to the trust fund officer at his facility.

IT IS SO ORDERED this 16th day of December 2013.

A handwritten signature in black ink, reading "Ronald A. White", written over a horizontal line.

Ronald A. White
United States District Judge
Eastern District of Oklahoma