

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Wilton Mark Daley, #03573-017,

Plaintiff,

v.

Harley G. Lappin; FNU Holt;
M. Pettiford; FNU Cole;
FNU Troutman, FNU Tanner; K. Wells,
FNU Harding,

Defendants.

C/A No. 3:06-476-GRA-JRM

ORDER
(Written Opinion)

This matter is before the Court upon Plaintiff's "Motion for Clarification of Forma Pauperis Payment," filed March 15, 2006. Specifically, Plaintiff requests for this Court to dictate to the Bureau of Prisons the manner in which Plaintiff's prisoner account should be debited to pay the \$250.00 debt incurred by him for the filing fee in bringing the above captioned action.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The manner in which Plaintiff's debt for the \$250.00 filing fee should be

collected is clearly addressed in 28 U.S.C. § 1915:

(b)(1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of--

(A) the average monthly deposits to the prisoner's account; or
(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

IT IS THEREFORE ORDERED that Plaintiff's Motion be GRANTED to the extent that the Bureau of Prisons is hereby ordered to comply with 28 U.S.C. § 1915 in collecting the \$250.00 debt owed by Plaintiff for the filing fee in this action.

IT IS FURTHER ORDERED that Plaintiff's Motion be DENIED to the extent of any further relief requested in his Motion.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

March 17, 2006.

NOTICE OF RIGHT TO APPEAL

Plaintiff has the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.