

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Cory Conell Carroll, and) C/A No. 5:14-2167-JMC-KDW
Brian Schumaker, et al.,)
)
Plaintiffs,)
)
vs.) ORDER
)
United States, Federal Corporation;)
Eric Holder, US Attorney General;)
Charles E. Samuels, Jr., Director of)
Federal Bureau of Prisons, FBOP;)
Andrew Mansukhani, Warden, FCI Estill;)
Nicole C. English, Warden, FCI Marianna;)
Christopher Zych, Warden, USP Lee, in their Official)
Capacities,)
)
Defendants.)
_____)

This is a civil action filed by federal prisoners. Therefore, in the event that a limitations issue arises, Plaintiff shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to district court). Under Local Civil Rule 73.02(B)(2) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

By Order dated July 17, 2014, Plaintiffs were given a specific time frame in which to bring this case into proper form. ECF No. 13. Plaintiffs have partially complied with the court's Order.

MOTION FOR SUBPOENA DUCES TECUM:

Plaintiffs request that this court issue subpoena duces tecum for service on the Clerk of the United States of America. ECF No. 9. In light of the recommendation of summary dismissal of Plaintiffs' Complaint contained in the Report and Recommendation issued contemporaneously with this Order, Plaintiffs' Motion is denied.

PAYMENT OF THE FILING FEE:

Plaintiff Schumaker has paid his full filing fee. (Receipt Nos. SCX200011493, SCX400009904). Plaintiff Carroll has neither paid the filing fee nor submitted an *in forma pauperis* motion as directed under the initial order issued in this case.

TO THE CLERK OF COURT:

The Clerk of Court is directed to terminate the Motion for Leave to Proceed *in forma pauperis* because the document that is docketed as the Motion is a copy of correspondence showing that Plaintiff Schumaker requested the Federal Bureau of Prisons to send a check from his account to pay his filing fee. ECF No. 2. It does not contain any financial information from Plaintiff Carroll, who has not paid the filing fee. As noted above, Plaintiff Schumaker paid his filing fee in full and is not requesting *in forma pauperis* status and the document was docketed as a Motion in error.

This case is subject to summary dismissal based on an initial screening conducted pursuant to 28 U.S.C. §1915 and/or 28 U.S.C. § 1915A. Therefore, the Clerk of Court shall not issue any summonses nor shall the Clerk of Court forward this matter to the United States Marshal for service of process at this time.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Kaymani D. West". The signature is written in a cursive, flowing style.

August 22, 2014
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge