

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

| | | |
|--------------------|---|--------------------|
| J.R. MORRIS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 1:13-cv-00029 |
| |) | |
| ENOCH GEORGE and |) | Chief Judge Haynes |
| DEBRA WAGONSCHUTZ, |) | |
| |) | |
| Defendants. |) | |

ORDER

Plaintiff, J.R. Morris, a state detainee at the Maury County Jail in Columbia, Tennessee, filed this *pro se* action under 42 U.S.C. § 1983 (Docket Entry No. 1), and filed his application to proceed *in forma pauperis* (Docket Entry No. 2). Plaintiff’s application to proceed as a pauper was signed and notarized by a jail official verifying that Plaintiff had no funds to his credit at the jail. Because Plaintiff’s submission establishes his financial inability to pay the full \$350.00 filing fee in advance, the application (Docket Entry No. 2) is hereby **GRANTED**.

Pursuant to 28 U.S.C. § 1915(b), Plaintiff is nonetheless assessed the \$350.00 civil filing fee. The Administrator of the Maury County Jail is **DIRECTED** to submit to the Clerk of Court, as an initial payment, the greater of: (a) 20% of the average monthly deposits to Plaintiff’s credit at the jail; or (b) 20% of the average monthly balance to Plaintiff’s credit for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b) (1). Thereafter, the custodian shall submit 20% of Plaintiff’s preceding monthly income (or income credited to Plaintiff for the preceding month), but only when Plaintiff’s monthly income exceeds \$10.00. 28 U.S.C. §

1915(b)(2). Payments shall continue until the \$350.00 filing fee has been paid in full to the Clerk of Court. 28 U.S.C. § 1915(b)(3).

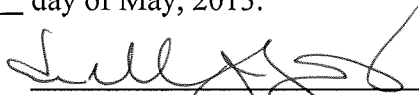
The Clerk of Court **MUST** send a copy of this order to the Administrator of the Maury County Jail to ensure compliance with that portion of 28 U.S.C. § 1915 pertaining to the payment of the filing fee. If Plaintiff is transferred from his present place of confinement, the Administrator must ensure that a copy of this order follows Plaintiff to his new place of confinement, for continued compliance herewith. All payments made pursuant to this order must be submitted to the Clerk of Court for the Middle District of Tennessee.

In accordance with the Memorandum filed herewith, this action is **DISMISSED with prejudice** for failure to state a claim for relief. Any appeal of this Order would not be in good faith as required by 28 U.S.C. § 1915(a)(3).

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 30th day of May, 2013.



WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court