

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

JERRY WAYNE GRAY, Jr.,
Plaintiff,
v.
MAURY COUNTY JAIL,
Defendant.
No. 1:14-cv-00119
Chief Judge Haynes

ORDER

Plaintiff, Jerry Wayne Gray, Jr., filed this pro se action under 42 U.S.C. § 1983 against the Defendant, Maury County Jail, (Docket Entry No. 1). Plaintiff also filed an application to proceed in forma pauperis (Docket Entry No. 2). Plaintiff's application lacks the trust account statement normally required to be submitted with a prisoner's application to proceed as a pauper. 28 U.S.C. § 1915(a)(2). Plaintiff's application, however, includes the notarized signature of a jail official attesting that Plaintiff has the sum of \$0 on account to his credit at the Maury County Jail. In addition, the Court takes judicial notice that the Maury County Jail typically does not provide trust fund accounts. Accordingly, Plaintiff's application to proceed as a pauper (ECF No. 2) is GRANTED.

Pursuant to 28 U.S.C. §§ 1915(b) and 1914(a), Plaintiff is nonetheless assessed the \$400.00 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 United States District Court for the Middle District of Tennessee, 801 Broadway, Nashville, TN 37203.

In accordance with the Memorandum filed herewith, this action is **DISMISSED with prejudice** for failure to state a claim for which relief can be granted. 28 U.S.C. §§ 1915(e)(2)(B) and 1915A. Any appeal of this Order would not be in good faith as required by 28 U.S.C. § 1915(a)(3).

The entry of this Order shall constitute the Judgment in this action.

It is so **ORDERED**.

ENTERED this the 12th day of September, 2014.



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