

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

EMMANUEL S. TROTTER,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	No. 13-1087-JDT-egb
	)	
DIANE RAMSEY, ET AL.,	)	
	)	
Defendants.	)	

ORDER DIRECTING PLAINTIFF TO FILE UPDATED FINANCIAL  
INFORMATION OR PAY THE FULL \$505 APPELLATE FILING FEE

Plaintiff Emmaneul S. Trotter, a prisoner acting *pro se*, filed a civil complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The Court granted leave to proceed *in forma pauperis* and assessed the civil filing fee pursuant to the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. §§ 1915(a)-(b). (ECF No. 3.) On July 9, 2015, the Court granted summary judgment to the remaining Defendants (ECF No. 56); judgment was entered on July 10, 2015 (ECF No. 57). On August 7, 2015, Plaintiff filed a notice of appeal. (ECF No. 58.)

Generally, a plaintiff granted leave to proceed *in forma pauperis* is not required to pay filing fees. 28 U.S.C. § 1915(a)(1). Because Plaintiff is a prisoner, however, he must pay the entire \$505 appellate filing fee, although he may be able to take advantage of the installment payment method of § 1915(b). *See McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013). In order to take advantage of the installment procedures, a prisoner plaintiff must submit, along with the notice of

appeal, an updated *in forma pauperis* affidavit and a current copy of his inmate trust account statement for the last six months. *Id.* at 610; 28 U.S.C. § 1915(a)(2).

In this case, Plaintiff did not submit his updated financial information with the notice of appeal; however, his cover letter requested that the Clerk send him the papers necessary to appeal *in forma pauperis*. In response, the Clerk has mailed Plaintiff a copy of the appropriate *in forma pauperis* affidavit form. Plaintiff is hereby ORDERED to submit either the full \$505 appellate filing fee or the updated *in forma pauperis* affidavit and a current trust account statement within 30 days after the date of this order. If Plaintiff needs additional time to file the required documents, he may request a 30-day extension of time from this Court.

If Plaintiff fails to file the required documents in a timely manner, the Court will deny leave to appeal *in forma pauperis* and assess the entire \$505 filing fee from his inmate trust account without regard to the installment procedures, and the Sixth Circuit may dismiss the appeal for failure to prosecute. However, if Plaintiff timely submits the necessary documents and the Court finds that he is still indigent, then the Court will grant leave to appeal *in forma pauperis* and assess the filing fee in accordance with the installment procedures of 28 U.S.C. § 1915(b).

The Clerk is directed to notify the Sixth Circuit of the entry of this order.

IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE