

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

AHMEADA AGINS,

Plaintiff,

v.

MADISON COUNTY JAIL,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

No. 24-cv-1030-SHM-tmp

**ORDER DIRECTING PLAINTIFF TO FILE A COMPLETED AND SIGNED
IN FORMA PAUPERIS AFFIDAVIT OR PAY THE \$405 CIVIL FILING FEE**

On January 30, 2024, Plaintiff Ahmeada Agins, who is incarcerated at the Madison County Jail in Jackson, Tennessee, filed a civil complaint accompanied by a blank, unsigned motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.)

Under the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. §§ 1915(a)-(b), a prisoner bringing a civil action must pay the filing fee required by 28 U.S.C. § 1914(a).¹ Although the obligation to pay the fee accrues at the moment the case is filed, *see McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013), the PLRA provides the prisoner the opportunity to make a “down payment” of a partial filing fee and pay the remainder in installments. *Id.* at 604.

However, in order to take advantage of the installment procedures, the prisoner must properly complete and submit to the district court, along with the complaint, an *in forma pauperis* affidavit and a certified copy of his inmate trust account statement for the last six months. 28 U.S.C. § 1915(a)(2).

¹The civil filing fee is \$350. 28 U.S.C. § 1914(a). The Schedule of Fees set out following the statute also requires an additional administrative fee of \$55 for filing any civil case. That additional fee will not apply if leave to proceed *in forma pauperis* is ultimately granted.

Therefore, the Plaintiff is ORDERED to submit, within 30 days after the date of this order, either the entire \$405 civil filing fee² or a completed and signed *in forma pauperis* affidavit. The Clerk is directed to mail Plaintiff a copy of the prisoner *in forma pauperis* affidavit form along with this order. If Plaintiff needs additional time to submit the document, he may, within 30 days after the date of this order, file a motion for extension of time.

If Plaintiff timely submits the necessary document and the Court finds that he is indeed indigent, the Court will grant leave to proceed *in forma pauperis* and assess only a \$350 filing fee in accordance with the installment procedure of 28 U.S.C. § 1915(b). However, if Plaintiff fails to comply with this order in a timely manner, the Court will deny leave to proceed *in forma pauperis*, assess the entire filing fee of \$405 from his inmate trust account without regard to the installment payment procedures, and dismiss the action without further notice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *McGore*, 114 F.3rd at 605.

IT IS SO ORDERED, this 27th day of March, 2024.

/s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE

² Plaintiff does not need to submit another trust account statement. (ECF No. 2-1.)