

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

QUENTIN WALKER a/k/a)
QUINTIN WALKER,)
Plaintiff,)
VS.) No. 16-2362-JDT-cgc
LAUDERDALE COUNTY, ET AL.,)
Defendants.)

ORDER DIRECTING PLAINTIFF TO FILE A SIGNED IN FORMA PAUPERIUS
AFFIDAVIT OR PAY THE \$400 CIVIL FILING FEE

On May 26, 2016, Plaintiff Quentin Walker a/k/a Quintin Walker, who is incarcerated at the Missouri Eastern Correctional Center in Pacific, Missouri, filed a pro se complaint pursuant to 42 U.S.C. § 1983, accompanied by a motion to proceed in forma pauperis and a copy of his trust account statement, in accordance with the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. §§ 1915(a)-(b). (ECF Nos. 1 & 2.) However, Plaintiff failed to sign his in forma pauperis affidavit. (See ECF No. 2 at 2.) Therefore, Plaintiff is ORDERED to submit, within 30 days after the date of this order, either the entire \$400 civil filing fee¹ or

¹ Twenty-eight U.S.C. § 1914(a) requires a civil filing fee of \$350. In addition, § 1914(b) requires the clerk to "collect from the parties such additional fees . . . as are prescribed by the Judicial Conference of the United States." The Judicial Conference has prescribed an additional administrative fee of \$50 for filing any civil case, except for cases seeking habeas corpus and cases in which the plaintiff is granted leave to proceed in forma pauperis under 28 U.S.C. § 1915. Therefore, if Plaintiff is ultimately granted leave to proceed in forma pauperis in accordance with the PLRA, he will not be responsible for the additional \$50 fee.

a properly completed and signed *in forma pauperis* affidavit. The Clerk is directed to mail Plaintiff another copy of the prisoner *in forma pauperis* affidavit form along with this order.²

If Plaintiff timely submits the necessary affidavit and the Court finds that he is indeed indigent, the Court will grant leave to proceed *in forma pauperis* and assess a filing fee of \$350 in accordance with the installment procedures 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 \$400 filing fee without regard to the installment payment procedures, and dismiss the action without further notice pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute. *McGore*, 114 F.3d at 605.³

IT IS SO ORDERED.

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

² Plaintiff does not need to submit another copy of his inmate trust account statement.

³ Even a voluntary dismissal by Plaintiff will not eliminate the obligation to pay the filing fee. *McGore*, 114 F.3d at 607; *see also In re Alea*, 286 F.3d 378, 381 (6th Cir. 2002).