

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

HARRIL GLEN SCOTT #1319015 §
VS. § CIVIL ACTION NO. 6:11CV276
PFIZER PHARMACEUTICAL §

ORDER RE COLLECTION AND PAYMENT OF FULL FILING FEE

Came on for consideration the Plaintiff's Application for Leave to Proceed *In Forma Pauperis* (docket entry #2). The Prison Litigation Reform Act of 1996 (PLRA) requires prisoners seeking to bring civil actions to pay the full filing fee (\$350), including an initial partial filing fee. The certified application to proceed *in forma pauperis* reveals that the Plaintiff does not have any funds in his trust fund account and has had a zero balance over the last six months. He does not have any funds to make an initial partial filing fee.

Having considered the Plaintiff's Application for Leave to Proceed *In Forma Pauperis* in light of the Prison Litigation Reform Act of 1996 (PLRA), the Court makes the following orders:

1. The Plaintiff's motion for leave to proceed *in forma pauperis* (docket entry #2) is **GRANTED**. 28 U.S.C. § 1915. The granting of the motion does not relieve the Plaintiff of the responsibility of paying the \$350 filing fee or any partial fees connected therewith, unless and until the Court directs otherwise, regardless of the disposition of the case.
2. The Clerk shall file the Plaintiff's pleadings without prepayment of the filing fee.
3. The Plaintiff is not required to pay an initial partial filing fee.
4. The Plaintiff shall pay \$350, the balance of the full filing fee, in monthly installments as provided in 28 U.S.C. § 1915(b)(1).

5. The Texas Department of Criminal Justice -- Correctional Institutions Division shall deduct 20% of each deposit made to the Plaintiff's inmate trust account and forward payments to the Court on a regular basis provided the account exceeds \$10.00.
6. The Plaintiff shall execute all consents and other documents required by the agency having custody of him to authorize the necessary withdrawals from his inmate trust account. Failure to execute the consent documents may result in the dismissal of the lawsuit.
7. Service of process shall be withheld pending judicial screening pursuant to 28 U.S.C. § 1915A.
8. No amendments or supplements to the complaint shall be filed without prior approval. A complete amended complaint shall be attached to any motion to amend.
9. There will be no discovery in this case at this time. *See* Fed. R. Civ. P. 26. If the Defendants are ordered to answer, then all parties are to disclose information relevant to the claims or defenses of any party within thirty days after an answer is filed. The parties shall promptly file a notice of disclosure after such disclosure has taken place. *See* Rule CV-26(c), Local Rules for the Eastern District of Texas.
10. No motions for appointment of counsel shall be filed until the Court has completed its screening pursuant to 28 U.S.C. § 1915A, which may include a hearing pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).
11. The Plaintiff shall notify the Court of any changes of address by filing a written notice of change of address with the Clerk. Failure to file such notice may result in the case being dismissed for want of prosecution.
12. The Clerk shall mail a copy of this Order to Bettie Wells, TDCJ Litigation Support, P.O. Box 13084, Austin, TX 78711 and TDCJ Local Funds Division, P. O. Box 629, Huntsville, TX 77342-0629.

NOTICES TO THE PLAINTIFF:

If you do not wish to prosecute this action, you may notify the Court in writing, by letter or motion, that you do not wish to prosecute this civil action.

So **ORDERED** and **SIGNED** this **23** day of **June, 2011**.



JUDITH K. GUTHRIE
UNITED STATES MAGISTRATE JUDGE