



withholding forty percent of Underwood's monthly income toward payment of the court fees. Underwood claims that § 1915(b) authorizes withholding only twenty percent of his income, toward payment of his court fees one at a time and demands a refund.

Underwood's claim is without merit. For some time, federal courts of appeals disagreed about whether an inmate litigant must (a) pay twenty percent of his monthly income regardless of the number of cases he has filed or (b) pay twenty percent of his monthly income for *each* case he has filed. The Supreme Court has now settled the issue by ruling that under § 1915(b), "monthly installment payments . . . are to be assessed on a per-case basis." *Bruce v. Samuels*, 136 S. Ct. 627, 629 (2016). Specifically, "§ 1915(b)(2) calls for simultaneous, not sequential, recoupment of multiple filing fees." *Id.* at 631. Thus, withholding forty percent of Underwood's income each month toward satisfaction of the two court fees he owes is lawful. Accordingly, I will summarily dismiss this action as legally frivolous under 42 U.S.C. § 1997e(c)(1).

A separate Final Order will be entered herewith.

DATED: April 12, 2018

/s/ James P. Jones

United States District Judge