U S DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
MAY 26 1998
NANCY DOHERTY, CLERK
By Y. Kelly
Deputy

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

MISCELLANEOUS ORDER NO. 55
Prisoner *In Forma Pauperis* Proceedings

AMENDMENT

The appendices to this order adopted by the Court on February 26, 1997 are amended as follows:

1) Appendix One (Initial Partial Filing Fee Order)

Delete section "a" under "Notices to Plaintiff".

2) Appendix Two (Order Re: Collection and Payment of Full Filing Fee)

a) Add a fourth paragraph [ ] under the first sentence: "The agency having custody of plaintiff has notified the Court that plaintiff has authorized the agency to pay the initial partial filing fee."

b) Delete the "Notice to Plaintiff".

Revised Appendix One and Appendix Two are attached.

SO ORDERED.

DATED: May 26, 1998

Jerry Buchmeyer
JERRY BUCHMEYER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

Appendix One

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

_____ DIVISION

_____, (Institution #) _____	§	
V.	§	CIVIL ACTION NO._____
_____	§	

INITIAL PARTIAL FILING FEE ORDER

Came on for consideration plaintiff's Application for Leave to Proceed *In Forma Pauperis.* The Prison Litigation Reform Act of 1995 (PLRA) requires prisoners seeking to bring civil actions to pay an initial partial filing fee. The PLRA further requires prisoners thereafter to pay the balance of the full filing fee ($150.00).

The Court, having considered the application in light of the PLRA, finds that the following order should be entered.

It is **ORDERED** that:

1. Plaintiff is granted leave to proceed pursuant to 28 U.S.C. § 1915.

[ ] 2. Plaintiff will not be assessed an initial filing fee because he lacks the requisite funds in his prison account to pay an initial fee; however, plaintiff will be required to pay the full filing fee of $150.00 pursuant to the PLRA.

[ ] 3. An initial partial filing fee of $_____ shall be paid to the Clerk within thirty (30) days from the date of this Order.

Plaintiff is responsible for timely payment of the initial partial filing fee. If payment will be made from plaintiff's inmate trust account, plaintiff shall execute all consents and other documents required by the agency having custody of plaintiff to authorize the necessary withdrawal from plaintiff's inmate trust account.

Failure to pay the initial partial filing fee or to show that plaintiff has insufficient assets or means by which to pay the initial partial filing fee within thirty (30) days may result in dismissal of plaintiff's complaint without further notice.

4. Service of process shall be withheld pending judicial screening pursuant to 28 U.S.C. § 1915 (e)(2).

5. No amendments or supplements to the complaint shall be filed without prior Court approval. A complete amended complaint shall be attached to any motion to amend.

6. All discovery in this case is stayed until an answer is filed or until further order.

7. No motions for appointment of counsel shall be filed until the Court has completed its screening pursuant to 28 U.S.C. § 1915 (e)(2), which may include a hearing pursuant to *Spears v. McCotter,* 766 F.2d 179 (5th Cir. 1985), or such other proceedings deemed appropriate by the Court.

8. Plaintiff shall promptly notify the Court of any change of address by filing a written notice of change of address with the Clerk. Failure to file such notice may result in this case being dismissed for want of prosecution.

NOTICES TO PLAINTIFF:

a. Upon receipt of the initial partial filing fee, the Court, as required by the PLRA, will order the agency having custody of plaintiff to make monthly withdrawals from plaintiff's inmate account and forward them to the Court until the balance of the full filing fee is paid. Payment of all or any part of the full filing fee will not prevent dismissal of the complaint if it is frivolous, malicious, fails to state a claim upon which relief may be granted, seeks monetary relief from a defendant who is immune from such relief, or such other reason that authorizes dismissal of the Complaint.

b. State law may require the forfeiture of good conduct time credits as a sanction fc a state or federal lawsuit brought by an inmate while in the custody of the Texas Departme of Criminal Justice, Institutional Division that is dismissed as frivolous or malicious. See Te Gov't Code Ann. § 498.0045 (Vernon Supp. 1997).

The Clerk shall mail a copy of this Order to the inmate accounting office or other person(or entity with responsibility for assessing, collecting, and remitting to the Court the interim filin fee payments on behalf of inmates, as designated by the facility in which plaintiff is confined.

SIGNED and ORDERED this _____ day of _____, 19__.

_____

Presiding Judge

Appendix Two

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

_____ DIVISION

_____, (Institution #) _____	§	
V.	§	CIVIL ACTION NO._____
_____	§	

ORDER RE: COLLECTION AND PAYMENT OF FULL FILING FEE

The Court, having considered plaintiff's Application for Leave to Proceed *In Forma Pauperis* in light of the Prison Litigation Reform Act of 1995 (PLRA), finds the following:

[ ] Plaintiff has paid the initial partial filing fee as ordered by the Court.

[ ] Plaintiff has not paid in full the initial partial filing fee but has shown good cause for failing to do so.

[ ] The agency having custody of plaintiff has notified the Court that plaintiff has authorized the agency to pay the initial partial filing fee.

[ ] Plaintiff lacks the required funds in his prison account to pay an initial partial filing fee.

It is therefore **ORDERED** that:

[ ] The agency having custody of plaintiff shall, when funds exist in plaintiff's inmate trust account, forward to the Court an initial partial filing fee of $ _____.

[ ] Plaintiff shall pay $_____, the balance of the filing fee, in monthly installments as provided in 28 U.S.C. § 1915 (b)(2).

After payment of the initial partial filing fee, the agency having custody of plaintiff shall deduct 20% of each deposit made to plaintiff's inmate trust account and forward payments to the Court on a regular basis provided the account exceeds $10.00.

Plaintiff shall immediately execute all consents and other documents required by the agency having custody of plaintiff to authorize the necessary withdrawals from plaintiff's inmate trust account.

The Clerk shall mail a copy of this Order to the inmate accounting office or other person(s) or entity with responsibility for assessing, collecting and remitting to the Court interim filing fee payments on behalf of inmates, as designated by the facility in which plaintiff is confined.

SIGNED and ORDERED this _____ day of _____, 19____.

_____
Presiding Judge