

## INFORMATION FOR PRISONERS SEEKING TO PROCEED IN FORMA PAUPERIS

**If you have the money to pay the filing fee, you should send a cashier's check or money order payable to the Clerk of the Court with your complaint, petition, or notice of appeal.**

**If you are unable to pay the filing fee when you file your action, you must concurrently submit a fully completed in forma pauperis (IFP) application with your complaint.** If you are granted IFP status, as a prisoner you are nonetheless required to pay the full filing fee for filing a civil action in the federal district court. *See* 28 U.S.C. § 1915(b)(1). You will be exempt from paying the administrative fee assessed to other litigants, however. If you later file an appeal, you will be obligated to pay the filing fee for the appeal. IFP status allows you to pay your filing fee in installment payments and entitles you to have the U.S. Marshals Service serve your complaint and approved subpoenas. It does not authorize free photocopying or deferment of other court costs.

To proceed IFP you must complete and sign the attached form and return it to the court with your complaint. **You must have a prison or jail official complete the Certification section on the form and attach a certified copy of your prison or jail account statement for the last six months.** If you were incarcerated in a different institution during any of the past six months, you must attach a certificate and a certified copy of your account statement from each institution at which you were confined. If your form is incomplete or you fail to submit your prison account statement, the court will deny your request to proceed IFP.

The court will assess an initial partial filing fee equal to 20% of the average monthly deposits or the average monthly balance of your prison account for the six months preceding the date you filed your lawsuit, whichever amount is greater. The court will order the agency that has custody of you to withdraw the initial partial filing fee from your prison account when funds are available and forward the money to the court.

After the initial partial filing fee is paid, you will owe the balance of the filing fee. Until the filing fee is paid in full, you will owe 20% of your preceding month's income toward the balance. The agency that has custody of you will collect and send payments to the court when the amount in your account exceeds \$10.00. The balance of the filing fee will be collected even if the action is dismissed, summary judgment is granted against you, or you fail to prevail at trial.

Regardless of payment of the filing fee or IFP status, the court is required to screen and **dismiss** your complaint if (1) your allegation of poverty is untrue; (2) the action is frivolous or malicious; (3) you fail to state a claim on which relief can be granted; or (4) you sue a defendant who is immune from liability for money damages,.

If you have had three or more actions or appeals dismissed as frivolous, malicious, or for failure to state a claim on which relief can be granted, you are prohibited from proceeding IFP in another action unless you plausibly allege that you are in "imminent danger of serious physical injury." 28 U.S.C. § 1915(g).