

INFORMATION FOR PRISONERS SEEKING TO PROCEED IN FORMA PAUPERIS PURSUANT TO 28 U.S.C. § 1915 WITH A CIVIL ACTION IN FEDERAL COURT

In accordance with 28 U.S.C. § 1915, the in forma pauperis (IFP) statute, as a prisoner you are obligated to pay the full filing fee of \$350.00 for filing a civil action filed in the federal district court, regardless of IFP status. If you later file an appeal, you will be obligated to pay the \$455.00 filing fee for the appeal. IFP status allows you to pay your filing fee in installment payments. It also entitles you to have the U.S. Marshals Service serve your complaint. It does not authorize free photocopying or deferment of other court costs.

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 do not have enough money to pay the full filing fee when your action is filed, you can file the action without prepaying the filing fee, if you submit a fully-completed IFP application. **You must include a copy of your prison trust account balance with your IFP application.** The court will assess an initial partial filing fee at the time your action is filed. The initial partial filing fee will be equal to 20% of the average monthly deposits to your prison or jail account for the six months immediately preceding the filing of the lawsuit, or 20% of the average monthly balance in your prison or jail account for that same six month period, whichever is greater. The court will order the agency that has custody of you to withdraw the initial partial filing fee out of your prison or jail account as soon as funds are available and to forward the money to the court.

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

In order to proceed with an action IFP you must complete 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 to the form 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 you submit an incomplete form or do not submit a prison or jail account statement with the form, your request to proceed IFP will be denied.

Even if some or all of the filing fee has been paid, 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) your complaint does not state a claim on which relief can be granted; or (4) you sue a defendant for money damages and that defendant is immune from liability for money damages

If you have had three or more actions or appeals dismissed as frivolous or malicious or for failure to state a claim on which relief can be granted, then you will be prohibited from bringing any other actions in forma pauperis unless you are in "imminent danger of serious physical injury." 28 U.S.C. § 1915(g).