GENERAL ORDER NO. 88-19

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

U. S. DISTRICT COURT
EAST DISTRICT OF TEXAS

APR 0 1 1988

IN THE MATTER OF APPLICATIONS S TO PROCEED IN FORMA PAUPERIS SUBMITTED BY OR ON BEHALF OF S PRISONERS

Deputy Retailed Robbins

GENERAL ORDER

Acting by consent of the judges of this court, it is ORDERED, effective immediately, that the following rules be adopted in regard to applications to proceed <u>in forma pauperis</u> submitted by or on behalf of prisoners.

- 1. The Clerk of the court shall, pursuant to 28 U.S.C. \$1915(a), submit to the Chief Judge or his designated alternate any civil action which is accompanied by a properly completed application to proceed in forma pauperis which has been signed under penalty of perjury and which has a proper certification of the applicant's prisoner account balance and which otherwise satisfies the filing requirements of the Federal Rules of Civil Procedure and the Local Rules of this District.
- 2. The court, on the basis of the available financial data, including prison account activity and any other information obtained at the request of the court, shall ascertain whether or not the applicant should be allowed to proceed without prepayment of fees or whether a full or partial payment of such costs should be required.
- 3. If the application is not in the proper form, the Clerk shall return said application, along with any proper forms as may be necessary, to the applicant for completion or correction and return.

4. Because the determination of whether or not a full or partial payment of fees is appropriate is dependent upon a review of both the financial history and present economic status of each applicant, many factors must be considered by the court in the exercise of its discretion. However, in order to establish a basis for uniform review of applications to proceed in forma pauperis received from prisoners, the following advisory criteria based on past and present economic status should be considered in arriving at a reasonable payment:

Civil Actions wherein Filing Fee is \$120.00 (Civil Rights, Torts, Writs of Mandamus, etc.)

Applicant's Inmate Account Balance over Last Six Months	Clerk's Fee Requirement
Under \$50.00	Full costs waived
Over \$50.00	Obtain printout or other statement of average monthly income
Applicant's Average Monthly Income over Last Twelve Months	
\$50.00-59.99	\$5.00; other costs waived until further order
\$60.00-69.99	\$10.00;
\$70.00-79.99	\$20.00;
\$80.00-89.99	\$30.00;
\$90.00-99.99	\$40.00;
\$100.00-109.99	\$50.00;
\$110.00-119.99	\$60.00;
\$120.00-129.99	\$70.00;
\$130.00-139.99	\$80.00;
\$140.00-149.99	\$90.00

Applicant's Average Monthly Income over Last Twelve Months	Clerk's Fee Requirements
\$150.00-159.99	\$100.00; other costs waived
\$160.00-169.99	until further order \$110.00;
\$170.00-179.99	\$120.00;
\$180.00-	Full fee; nothing waived

Application for Writs of Habeas Corpus wherein Filing Fee is \$5.00

Applicant's Inmate Account Balance or Average Income over Last Six Months	Clerk's Fee Requirements
Under \$50.00	Full costs waived
\$50.00-99.99	\$5.00; other costs waived until further order
\$100.00-	Full Fee: nothing waived

5. These guidelines are intended to serve solely as a point of reference and do not preclude either consideration of the numerous other variables inherent in a \$1915 determination or the selection of separate standards to apply in cases where an applicant's past financial history makes reliance on the normal criteria inappropriate.

SIGNED this \sqrt{st} day of April, 198.

Um. Warne justice Chief Judge

United States District Court

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APPLICATION TO PROCEED IN FORMA PAUPERIS, SUPPORTING DOCUMENTATION AND ORDER

CASE NUMBER:

	, declare that I am	the (check ap	propriate b
petitioner/plaintiff	movant (filing 28 U.S.C. 225	55 motion)	
respondent/defendant	Other		
	other		
required to prepay fees, cost or am unable to pay the costs of sa	g; that, in support of my request to proce give security therefor, I state that becaus aid proceeding or give security therefor; in ay action, defense, or other proceeding or stated as follows:	se of my pover that I believe I	rty, Ï I am
Are you presently employ a. If the answer is "yes,"	cation, I answer the following questions. yed? ' state the amount of your salary or wag dress of your employer. (list both gross a	Yes □ N ges per month,	
	state the date of last employment and month which you received.	the amount c	of the
2. Have you received within ing sources?	n the past twelve months any money from	n any of the fo	llow-
•	r other form of self-employment		40 <u> </u>
b. Rent payments, intere		<u></u>	40 🗌
c. Pensions, annuities or	life insurance payments?		4o 🗌
d. Gifts or inheritances?		Yes 🔲 🔝 N	4o 🗌

If the answer to any of the above is "yes, amount received from each during the past	" describe each source of money and state the twelve months.
3. Do you own any cash, or do you have n	~ · · · · · · · · · · · · · · · · · · ·
Yes ☐ No ☐ (Include any fund If the answer is "yes," state the total v	ds in prison accounts.) alue of the items owned.
automobiles or other valuable propert and clothing)? Yes	in any real estate, stocks, bonds, notes, y (excluding ordinary household furnishings
If the answer is "yes," describe the pr	operty and state its approximate value.
5. List the persons who are dependent up those persons, and indicate how much	oon you for support, state your relationship to you contribute toward their support.
I declare under penalty of perjury that the Executed on	e foregoing is true and correct. Signature of Applicant
	FICATE counts Only)
I certify that the applicant named herein has	s the sum of \$
institution where he is confined. I further certify that his credit according to the records of said institution	the applicant likewise has the following securities to
I further certify that during the last six months the a	pplicant's average balance was \$
	Authorized Officer of Institution
ORDER O	F COURT
The application is hereby denied	The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.
United States Judge Date	United States Judge Date or Magistrate