

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT
W.D.N.Y. - ROCHESTER

In re PRISON LITIGATION REFORM ACT
Enacted on April 26, 1996

ADMINISTRATIVE
ORDER

Pursuant to 28 U.S.C. § 1915(b), as amended by the Prison Litigation Reform Act effective April 26, 1996, in every prisoner case in which *in forma pauperis* status is requested, the Clerk of the Court is directed to

(1) transmit to the federal, state or local agency having custody of that prisoner the prisoner's written authorization requesting the custodian to provide financial information and fees to the Court as provided by this Order, and

(2) demand in writing from such custodian that said custodian calculate and promptly remit to the Court from monies held by the custodian for the account of the prisoner

(A) the full filing fee of \$150.00 or, in the event there are insufficient funds in the account to pay the full filing fee, then 20% of the greater of

(i) the average monthly deposits in the inmate's prison account or

(ii) the average monthly balance in the inmate's prison account during the past six months.

This remittance shall be accompanied by a certified copy of the statement for the past six months of the inmate's account and a statement of the calculations used to arrive at the amount of the partial payment of the filing fee, copies of which shall be furnished to the

prisoner. If, after payment is made pursuant to (2) above, there remains any unpaid fee due and owing the Court, the custodian shall thereafter remit monthly 20% of the preceding month's income credited to the prisoner's account until the filing fee has been paid in full, provided that such payment does not reduce the amount in the prisoner's account below ten dollars (\$10.00).

IT IS SO ORDERED.



DAVID G. LARIMER
Chief United States District Judge

DATED: Rochester, New York
December 16, 1996

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CLERK OF COURT
WESTERN DISTRICT OF NEW YORK
Jannet M. Spampato
Deputy Clerk
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