

IMPORTANT INFORMATION

If you do not have sufficient funds to pay the full filing fee of \$ 350.00, you may request permission to proceed *in forma pauperis* under 28 U.S.C. § 1915 which will permit you to file your case without paying the filing fee at the time of filing. You must pay the filing fee over time, however, and in order to permit your correctional facility to remove the statutory amounts from your inmate account, you must file a signed Authorization form together with your request to proceed *in forma pauperis*. Based on your inmate account record, the facility will immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the prior six month period..

Thereafter, your Correctional Facility will take payments from your account pursuant to statute until the entire filing fee is paid. See 28 U.S.C § 1915(b) for the calculations applicable to this fee deduction from your account.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE EVEN IF YOUR COMPLAINT IS DISMISSED AS FRIVOLOUS, MALICIOUS! OR FOR FAILURE TO STATE A CLAIM.

*There fore, the institution will continue to debit your account **to** pay the full \$ 350.00 filing fee, regardless of whether or not your complaint has already been dismissed.*

If you are seeking to proceed *in forma pauperis*, you **must**:

- 1) Fill out the Motion to Proceed In Forma Pauperis and Accompanying Affirmation. You must respond to all of the questions and have the Certification Section completed by the appropriate prison officials.
- 2) Fill out and sign the Authorization form by which you authorize the institution in which you are incarcerated to provide the court with a certified copy of your trust fund account statement for the six month period immediately preceding the filing of the complaint, and to calculate and pay the filing fee as directed by the statute.
- 3) Return both the completed Affidavit and completed Authorization to the Clerk of the United States Court! Western District of New York.

28 U.S.C. S 1915(g) Strike Notice:

If you have three or more prior cases or appeals dismissed as frivolous, malicious or for failure to state a claim upon which relief may be granted (such dismissals are called “strikes”), you will be required to pay the filing fee in full before your next complaint or appeal will be accepted for filing, *unless* your allegations indicate that you are in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).