

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MILFORD SLADER,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,  
United States Department of Justice,

Defendant.

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MEMORANDUM

05-C-382-C

Plaintiff has written a letter dated November 29, 2005, asking whether he must pay the remainder of the fee for filing this case now that it has been dismissed. Unfortunately, the answer is “yes.” Because plaintiff is a prisoner, his lawsuit is governed by the 1996 Prison Litigation Reform Act. Under the act, any prisoner who files a civil lawsuit is required to pay the filing fee in full. If the prisoner qualifies for indigent status, he must pay the fee in monthly installments according to the formula set out in 28 U.S.C. § 1915(b)(2). In an order dated June 29, 2005, I found plaintiff qualified for indigent status.

Plaintiff expresses concern that he will not be able to pay the amount he owes because he has been hospitalized and is not currently earning wages. However, he should be aware

that the amount of his monthly payments is tied directly to the amount he earns in any given month. Specifically, § 1915(b)(2) states, “[a]fter payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account.” In other words, if plaintiff has no income in a particular month, he will owe no payment for that month.

Entered this 12th day of December, 2005.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge