

**NOTICE TO PRISONERS SEEKING LEAVE TO
PROCEED WITH A CIVIL ACTION OR AN APPEAL IN FEDERAL COURT
IN FORMA PAUPERIS PURSUANT TO 28 U.S.C. § 1915**

In accordance with 1996 amendments to the *in forma pauperis* (IFP) statute, as a prisoner you will be obligated to pay the full filing fee of \$350.00 if your IFP application is granted, or \$405.00 if your IFP application is denied for a civil action, or \$605.00 for an appeal.

If you have the money to pay the filing fee, you should send a money order to the court with your complaint or notice of appeal. If you do not have enough money to pay the full filing fee when your action or your notice of appeal is filed, you can file the action or the notice of appeal without prepaying the filing fee by filing a Motion To Proceed Without Prepayment of Fees. However, the court may assess an initial partial filing fee at the time your action or notice of appeal is filed. The initial partial filing fee will be equal to 20 percent of the average monthly deposits to your prison or jail account for the six months immediately preceding the filing of the lawsuit, or 20 percent of the average monthly balance in your prison or jail account for that same six month period, whichever is greater.

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 percent 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.

In order to proceed with an action or an appeal *in forma pauperis* you must complete the attached forms and return them to the court with your complaint or notice of appeal. You must have a prison or jail official complete the Certification section on the back of the Motion To Proceed Without Prepayment of Fees and attach to the form a certified copy of your prison or jail account statement for the last six months. If you submit an incomplete form or do not submit a prison or jail account statement with the form, your request to proceed *in forma pauperis* will be denied.

Regardless of whether some or all of the filing fee has been paid, the court is required to screen your action or appeal and to dismiss the action or appeal if (1) your allegation of poverty is untrue; (2) the action or appeal 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 file more than three actions or appeals while you are a prisoner which are 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.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

Plaintiff(s)/Petitioner(s)

vs.

CIVIL ACTION NO. _____
(To be supplied by Clerk of Court)

Defendant(s)/Respondent(s)

MOTION TO PROCEED WITHOUT PREPAYMENT OF FEES

I, _____, a United States citizen, make this Motion to Proceed Without Prepayment of Fees pursuant to Title 28 U.S.C. § 1915 in order to proceed *in forma pauperis* in this action. I am unable to make prepayment of fees or to give security therefor, and it is my belief that I am entitled to redress. I have not divested myself of any property, monies or any items of value for the purpose of avoiding payment of said fees.

I. BRIEF STATEMENT AS TO THE NATURE OF THE ACTION: _____

II. RESIDENCE:
Your address: _____
(Street)

(City) (State) (Zip Code)

III. MARITAL STATUS:
1. Single _____ Married _____ Separated _____ Divorced _____
2. If married, spouse's full name: _____

IV. DEPENDENTS:
1. Number: _____
2. Relationship to dependent(s): _____
3. How much money do you contribute toward your dependents' support on a monthly basis? \$ _____

by banks, savings and loan associations, prisoner accounts, other financial institutions, or other sources as indicated below:

Business, profession or other forms of self-employment\$ _____
Rent payments, interest or dividends.....\$ _____
Pensions, annuities or life insurance payments\$ _____
Gifts or inheritances.....\$ _____
Stocks, bonds or notes.....\$ _____
Tax refunds, Veteran benefits or social security benefits.....\$ _____
Any other sources\$ _____

3. Obligations:

a. Monthly rental on house or apartment \$ _____
b. Monthly mortgage payments on house \$ _____

4. Other information pertinent to your financial debts and obligations:

(Creditor)	(Total debt)	(Monthly payment)
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. If you have indicated that you have minimal or no assets or income, please explain how you provide for your basic living needs such as food, clothing and shelter. (e.g. food stamps, family assistance or charitable contributions.)

Other (Explain): _____

VII. ALL PLAINTIFFS/PETITIONERS MUST READ AND SIGN:

I UNDERSTAND that any false statement(s) of a material fact contained herein may serve as the basis of prosecution and conviction for perjury or making false statements.

FURTHER, I CERTIFY that all questions contained herein have been answered and are true and correct to the best of my knowledge and belief.

DATE

SIGNATURE OF PLAINTIFF/PETITIONER

ADDRESS

VIII. FOR PRISONER PLAINTIFFS/PETITIONERS ONLY:

A financial statement containing all transactions in your prisoner account for the six (6) months immediately preceding the filing of the Complaint must accompany this Motion. The financial statement must be in the form of a computer printout or bank ledger card prepared by the institution; a notarized financial statement that you prepare; or a financial statement prepared by an authorized officer of the institution. Failure to provide this financial statement information may result in the dismissal of this action.

The requirement to submit the financial statement addressed above does not negate your responsibility to ensure that the Certificate found below is also properly executed and filed.

I hereby authorize the agency having custody of me to collect from my prison account and forward to the Clerk of the United States District Court payments in accordance with 28 U.S.C. § 1915(b)(2). I understand that even if I am allowed to proceed *in forma pauperis* or pay a partial filing fee and even if my case is later dismissed for any reason, I am obligated to pay to the Clerk of the Court the full amount of the filing fee \$350.00 if my IFP application is granted, or \$405.00 if my IFP application is denied for a civil action, \$5.00 for a habeas corpus petition, or \$605.00 for an appeal.

DATE

SIGNATURE OF PLAINTIFF/PETITIONER

CERTIFICATE
(To be completed by the institution of incarceration)

I certify that the applicant named herein has the sum of \$_____ on account to his/her credit at _____ (name of institution). I further certify that during the past six months the applicant's average monthly balance was \$_____. I further certify that during the past six months the average of monthly deposits to the applicant's account was \$_____. (Please attach a certified copy of the applicant's account statement showing transactions for the past six months.)

DATE

SIGNATURE OF AUTHORIZED OFFICER