

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXASFILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

APR 01 1988

IN THE MATTER OF APPLICATIONS §
TO PROCEED IN FORMA PAUPERIS
SUBMITTED BY OR ON BEHALF OF §
PRISONERSMURRAY S. HARRIS, CLERK
By
Deputy Rita RobbinsGENERAL 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 in forma pauperis 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 until further order
\$160.00-169.99	\$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

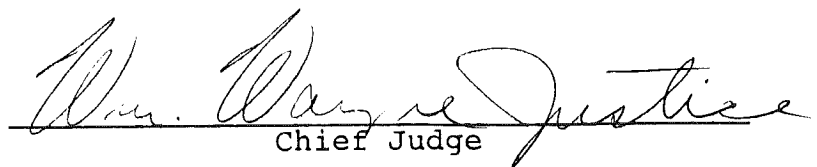
Applicant's Inmate Account Balance
or Average Income over Last Six Months

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 1st day of April, 1988.


Chief Judge

United States District Court

DISTRICT OF _____

APPLICATION TO PROCEED IN FORMA PAUPERIS, SUPPORTING DOCUMENTATION AND ORDER

v.

CASE NUMBER: _____

I, _____, declare that I am the *(check appropriate box)*

petitioner/plaintiff

movant (filing 28 U.S.C. 2255 motion)

respondent/defendant

other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

In further support of this application, I answer the following questions.

1. Are you presently employed? Yes No

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or other form of self-employment Yes No

b. Rent payments, interest or dividends? Yes No

c. Pensions, annuities or life insurance payments? Yes No

d. Gifts or inheritances? Yes No

e. Any other sources? Yes No