

General Order 92-12

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAY 04 1992

MURRAY L. HARRIS, CLERK

BY
DEPUTY Rita Robbins

GENERAL ORDER

Acting by consent of the judges of this Court, it is **ORDERED**, effective immediately, in accordance with 28 U.S.C. § 1915, that the following rules be adopted with respect to any cause of action submitted by a prisoner or prisoners with an application to proceed *in forma pauperis*:

1. The Clerk of the Court shall file on the regular docket any cause of action submitted by a prisoner or prisoners which is accompanied by a application to proceed *in forma pauperis* and such application is signed under penalty of perjury. In the event the application to proceed *in forma pauperis* is not signed, the Clerk shall assign the cause of action a miscellaneous number and submit the case to a magistrate judge for an order notifying the prisoner(s) that the cause of action will not be filed on the regular docket until a signed application to proceed *in forma pauperis* is received by the Court.

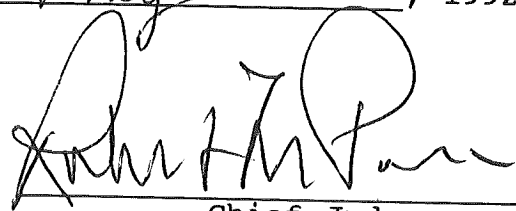
2. When a cause of action is filed on the regular docket, the Clerk will assign the case to a district judge and submit to the judge the attached referral order. The referral order will instruct the magistrate judge, pursuant to 28 U.S.C. § 1915(d), to determine if the prisoner should be allowed to proceed *in forma pauperis* or whether the case should be dismissed because the allegation of poverty is untrue, or if satisfied that the action

is frivolous or malicious. The determination on the application to proceed *in forma pauperis* shall be included in the report and recommendation or memorandum opinion that is filed with respect to whether the case should proceed on the merits or dismissed as frivolous or malicious.

3. The United States Marshal shall serve summons on the defendants when so ordered by a presiding district or magistrate judge.

Any provision herein which is in conflict with provisions contained in previous general orders supersedes the provisions contained in the previous order.

SIGNED this 14th day of May, 1992, on behalf of the Court.



Chief Judge