

INFORMATION TO PRISONERS SEEKING LEAVE TO PROCEED WITH A CIVIL ACTION IN FEDERAL COURT IN FORMA PAUPERIS PURSUANT TO 28 U.S.C. § 1915

Under the 1996 amendments to the federal *in forma pauperis* statute, as a prisoner, you will be required to pay a federal filing fee. The filing fee for a civil action is \$400.00 which includes a \$50.00 administrative fee (*which is waived if granted in forma pauperis status*) and for an appeal is \$505.00.

If you are granted *in forma pauperis* status, you will have to pay the filing fee over time, but you will not have to pay the administrative fee. If you have the money to pay the filing fee, or are denied *in forma pauperis* status, you will have to pay the full filing fee plus the administrative fee.

If you have the money to pay the filing fee, you should send a cashier's check or money order to the court with your complaint for the total cost of the filing fee plus the administrative fee. If you do not have enough money to pay the filing fee at the time you submit your complaint, you must submit: (1) a signed Declaration and Application to Proceed *In Forma Pauperis* and Written Consent for Payment of Costs; (2) a signed Acknowledgement and Authorization; and (3) a certified copy of your inmate trust fund account statement (or institutional equivalent) for the past six months. You must declare under penalty of perjury the information you provide is correct. **If you submit an incomplete form to the court, or do not submit a certified copy of your inmate trust fund account statement (or institutional equivalent), your case will not be permitted to proceed further.**

If your Application to Proceed *In Forma Pauperis* is granted, the court will forward your Acknowledgement and Authorization to the appropriate agency to calculate an initial partial filing fee. The initial 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. By General Order, the court has directed that once the institution having custody of you receives your signed Acknowledgment and Authorization, and calculates the initial partial filing fee, it will take the initial partial filing fee (or available funds) out of your prison or jail account immediately and forward the money to the court. You have a right to bring to the court's attention any alleged miscalculations in the assessment of the initial filing fee.

After the initial partial filing fee has been paid, you will still owe the balance of the filing fee. Accordingly, each month, you will owe payments of 20 percent of your preceding month's income credited to your account, until the filing fee is paid in full. The institution having custody of you will collect these payments each time the amount in the account exceeds \$10.00, and will forward the payments to the court pursuant to 28 U.S.C. § 1915(b)(2).

Regardless of whether some or all of the filing fee has been paid, the court is required to screen your complaint and to dismiss the complaint if: (1) your allegation of poverty is untrue; (2) the action is frivolous or malicious; (3) your complaint does not state a claim on which relief can be granted; OR (4) you seek monetary damages from a defendant who is immune from such relief.

Finally, if, while you are a prisoner, you file more than three actions or appeals in any federal court in the United States that are dismissed as frivolous or malicious or for failure to state a claim on which relief can be granted, you will be prohibited from bringing any other actions *in forma pauperis* unless you can demonstrate, with specific facts, that you are in imminent danger of serious physical injury.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

Plaintiff

vs.

Defendant(s)

Case Number: _____

DECLARATION AND APPLICATION TO PROCEED IN FORMA PAUPERIS AND WRITTEN CONSENT FOR PAYMENT OF COSTS BY A PRISONER BRINGING A CIVIL ACTION

**DO NOT use this form if you are bringing a
Petition for Writ of Habeas Corpus.**

DECLARATION AND APPLICATION TO PROCEED IN FORMA PAUPERIS

I (print your name) _____ declare I am the plaintiff in this case; I believe I am entitled to relief; and I am unable to pay the costs of this proceeding or give security thereof. The nature of my action is *briefly* stated as follows: _____

In support of this application, I answer *all* of the following questions:

1. Are you currently incarcerated?

Yes If "Yes" state the place of your incarceration _____

You must also attach a certified copy of your prison trust account statement showing transactions for the past six months.

No If "No" do not use this form.

2. Are you presently employed? Yes Employer _____ Salary _____ No

3. For the past twelve months, list the amount of money you have received from any of the following sources.

a. Business, profession or other self-employment \$ _____

b. Income from rent, interest or dividends \$ _____

c. Pensions, annuities or life insurance payments \$ _____

d. Disability, unemployment, workers compensation or public assistance \$ _____

e. Gifts or inheritances \$ _____

f. Money received from child support or alimony \$ _____

g. Describe any other source of income _____ \$ _____

4. List the amount for each of the following (include prison account funds):

Cash on hand \$

Checking Account \$

Savings Account \$

5. Do you own or have any interest in any real estate, stocks, bonds, notes, retirement plans, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

If Yes, describe the property and state its approximate value:

Yes \$

No

6. Are any persons dependent upon you for support? If Yes, state their relationship to you, and indicate how much you contribute toward their support each month. (Do not include names of minor children.)

Yes \$

No

7. Describe the types of monthly expenses you incur, such as housing, transportation, utilities, loan payments, or other regular monthly expenses and the amount spent each month.

\$

8. Provide any other information that will help explain why you cannot pay court fees and costs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: (Date) Signature of Applicant

WRITTEN CONSENT FOR PAYMENT OF COSTS UNDER LOCAL RULE CR3(b)

I (print your name) _____
hereby consent that any recovery in damages that I may receive in the above-captioned cause may be reduced, if so directed by the court, in such an amount as is necessary for payment of the unpaid fees and costs which are taxed against me in the course of this litigation.

Executed on: (Date) Signature of Applicant

ACKNOWLEDGMENT AND AUTHORIZATION

Case Number _____

By choosing to bring a civil action, I acknowledge I am responsible for payment of the full \$350.00 filing fee under 28 U.S.C. § 1915. I authorize the agency having custody of me to collect from my account and forward to the Clerk of the United States District Court the initial partial filing fee calculated under the Certification and Calculation section and payments pursuant to 28 U.S.C. § 1915(b).

I understand I am required to make monthly payments of twenty (20) percent of my preceding month's income credited to my account and the agency having custody of me will forward funds to the Clerk of the United States District Court each time the amount in the account exceeds ten (\$10.00) dollars until the filing fee is paid in full.

Date

Signature of Applicant

Committed Name of Applicant

Inmate Number