

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

INSTRUCTIONS FOR PRISONER'S
IN FORMA PAUPERIS APPLICATION

You must submit to the court a completed Motion/Affidavit to Proceed In Forma Pauperis if you are unable to pay the entire filing fee at the time you file your complaint or petition. Your application must also include (1) a Financial Declaration form, (2) a Certificate of Custodial Institution signed by an authorized officer of the institution with an attached certified copy of your prisoner trust account statement showing transactions for the last six months, and (3) for all cases except Habeas Corpus Petitions, a Prisoner Litigation Reform Act Consent Form signed by you. The failure to submit these required forms will result in the dismissal of your case without prejudice.

A. Non-Habeas Civil Actions

The fee for any civil action other than a Habeas Corpus Petition is \$400.00 (\$350.00 filing fee and \$50 administrative fee). If you are granted leave to proceed in forma pauperis the \$50.00 administrative fee is waived, but you must still pay the statutory filing fee of \$350.00 in several installments. 28 U.S.C. § 1915.

You must pay an initial partial filing fee of 20 percent of the greater of (a) the average monthly deposits to your account for the 6-month period immediately before the complaint was filed, or (b) the average monthly balance in your account for the 6-month period immediately before the complaint was filed. The court will use the information provided on the Financial Declaration, Certificate of Custodial Institution and the trust account statement to determine the initial filing fee immediately due. If in forma pauperis status is granted, the court will forward your Prisoner Litigation Reform Act Consent Form to your prison trust account office for the purpose of deducting filing fee payments in accordance with the court's order.

After the initial partial filing fee is paid, your prison's trust account office will forward to the court each month 20 percent of the most recent month's income to your prison trust account, to the extent the account balance exceeds ten dollars (\$10.00). Monthly payments will be required until the full filing fee is paid. If you have no funds over ten dollars (\$10.00) in your account, you will not be required to pay part of the filing fee that month.

If your application to proceed in forma pauperis is granted, you will be liable for the full \$350.00 filing fee even if your civil action is dismissed. That means the court will continue to collect payments until the entire filing fee is paid. However, if you do not submit all three (3) forms listed above and attached to this packet, your civil action will be dismissed without prejudice and the filing fee will not be collected.

B. Habeas Actions

The filing fee for a habeas corpus petition is \$5.00. If you are granted leave to proceed in forma pauperis, you will not be required to pay any portion of this fee. If you are not granted leave to proceed in forma pauperis, you must pay the fee in one payment and not in installments. **If you use a habeas form to file a non-habeas civil action, you will be required to pay the \$400.00 fee (\$350.00 filing fee if in forma pauperis is granted- see Section A above) applicable to all non-habeas civil actions.**