

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

ALAN JOSUE RUIZ, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 4:16-cv-00227-TWP-TAB  
 )  
 SMITH Sgt., )  
 )  
 Defendant. )

**Entry Granting *In Forma Pauperis* Status and Directing Further Proceedings**

**I. *In Forma Pauperis***

The plaintiff’s motion to proceed *in forma pauperis* [dkt. 3] is **granted**. The assessment of an initial partial filing fee is not feasible at this time. Notwithstanding this ruling, the plaintiff still owes the \$350.00 filing fee. “All [28 U.S.C.] § 1915 has ever done is excuse *pre*-payment of the docket fees; a litigant remains liable for them, and for other costs, although poverty may make collection impossible.” *Abdul-Wadood v. Nathan*, 91 F.3d 1023, 1025 (7th Cir. 1996).

**II. Further Proceedings**

The plaintiff is a prisoner currently incarcerated at the Clark County Jail (“the Jail”). Because the plaintiff is a “prisoner” as defined by 28 U.S.C. § 1915(h), this Court has an obligation under 28 U.S.C. § 1915A(b) to screen his complaint before service on the defendants. Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief.

The original complaint was severed into two other cases, including this one. The only claims presented in this action are those brought against Sgt. Smith. Because the original

complaint contains many allegations and claims that do not relate to Sgt. Smith, the plaintiff shall have **through January 31, 2017**, in which to file an “AMENDED COMPLAINT” which contains only allegations and a prayer for relief relating to the claim against Sgt. Smith. The front page of the “amended complaint,” shall have those words on it (“amended complaint”) in addition to the proper case number, 4:16-cv-00227-TWP-TAB.

Failure to comply with the above directions may result in the dismissal of the action for failure to comply with Court orders and failure to prosecute.

Date: 12/21/2016



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TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

ALAN JOSUE RUIZ  
7270  
CLARK COUNTY JAIL  
Inmate Mail/Parcels  
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