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4 UNITED STATES DISTRICT COURT

5 DISTRICT OF NEVADA

6
7 IN THE MATTER OF CERTAIN)
8 PROVISIONS OF LOCAL RULE 215(h) SPECIAL ORDER NO. 70

9 On July 1, 1986, the United States District Court
10 for the District of Nevada adopted the current Local Rules of
11 Practice. Local Rule 215(h) states in part as follows:

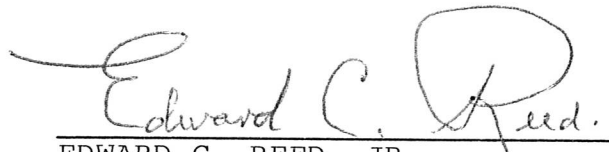
12 "In all cases in which petitioner, movant or
13 plaintiff is an inmate of a penal institution and
14 desires to proceed in forma pauperis, in addition
15 to the affidavit of poverty required by 28 U.S.C.
16 §1915, he shall submit a certificate executed by an
17 authorized officer of the institution in which he is
18 confined which states the amount of money or securities
19 on deposit to his credit in any account in the institu-
20 tion. ... (L) eave to proceed in forma pauperis may be
21 denied if the value of the money and securities in
22 petitioner's, movant's or plaintiff's institutional
23 account exceeds seventy-five dollars (\$75.00) or such
24 other amount(s) as shall be determined by the court."
25 (Emphasis added.)

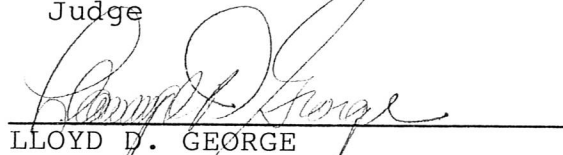
26 Under the general provisions of the Judiciary
Appropriations Act of 1987, which was signed into law by
President Reagan on October 18, 1986, the filing fee for a
civil case was increased from \$60.00 to \$120.00. Based upon
the current language contained in Local Rule 215(h), this
has created a situation where a prisoner who has more than
\$75.00 dollars but less than \$120.00 in his prison account

1 could be denied leave to proceed in forma pauperis and yet
2 not have sufficient funds available to pay the required
3 filing fee for a civil complaint. In order to protect the
4 rights of prisoners seeking to proceed in forma pauperis and
5 pending formal amendment of Local Rule 215(h) by this Court,

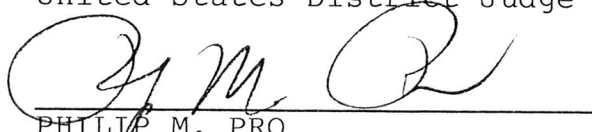
6 IT IS HEREBY ORDERED that this Court now
7 determines that in the absence of exceptional circumstances,
8 leave to proceed in forma pauperis may be denied to a
9 plaintiff seeking to file a civil case if the value of the
10 money and securities in plaintiff's institutional account
11 exceeds \$200.00. This Special Order shall not apply to
12 petitioners or movants seeking to file petitions for writs
13 of habeas corpus or motions for post-conviction relief. In
14 such instances, the \$75.00 threshold shall continue to
15 apply.

16
17 Dated: June 13, 1989

18 
19 EDWARD C. REED, JR.
20 Chief United States District
21 Judge

22 
23 LLOYD D. GEORGE
24 United States District Judge

25 
26 HOWARD D. MCKIBBEN
United States District Judge


PHILIP M. PRO
United States District Judge