

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

REY GARCIA,
Plaintiff,

v.

DR. ILONA FIGURA, ET AL.,
Defendants.

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Case No. 3:19cv1484(VLB)

RULING AND ORDER

Plaintiff, Rey Garcia, is an inmate incarcerated at MacDougall-Walker Correctional Institution. He has filed a civil rights action against Dr. Ilona Figura and Nurses Gina Burns and Rose Walker.

On September 20, 2019, Plaintiff sought leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. On October 7, 2019, the Court denied Plaintiff's motion because he asserted that he had received \$1,200.00 from his family during the twelve-month period prior to filing this action and that his inmate account statement reflected that during the six-month period prior to filing this action, he had received regular deposits from his family totaling \$1,155.00 and that his account balance as of September 18, 2019 was \$441.71. See Ruling, Dkt. No. 6. The Court concluded that Plaintiff would not have to forgo life's necessities if he paid the \$400.00 filing fee and directed Plaintiff to submit the filing fee within twenty days.

Plaintiff has filed a motion for reconsideration of the Court's order denying his motion to proceed *in forma pauperis* and requiring him to pay the full filing fee and a new motion to proceed *in forma pauperis*. For the reasons set forth below, the motion for reconsideration is denied and the motion to proceed *in forma pauperis* is denied without prejudice.

Plaintiff contends that he cannot pay the full \$400.00 filing fee because his inmate account balance as of October 9, 2019 was \$281.01. See Mot. Recon., Dkt. No. 8, at 2. He asks the court to reconsider requiring him to pay the full \$400.00 filing fee and to permit him to initially pay \$250.00 and to pay the remaining \$150.00 when more funds become available to him.

The Clerk is not able to accept a partial payment of the filing fee when the Court has ordered that the filing fee be paid in full. Thus, although Plaintiff submitted a check in the amount of \$250.00 on October 22, 2019, the Clerk returned the check to Plaintiff on October 28, 2019, three business days after receiving it, because the remainder of the filing fee had not been received in the Clerk's Office as of that date. See Docket Entry dated October 28, 2019. Accordingly, the motion for reconsideration seeking permission to submit a partial payment towards the full filing fee is denied.

The motion to proceed *in forma pauperis* that Plaintiff submitted in support of the motion for reconsideration reflects that as of October 9, 2019, Plaintiff continued to receive deposits to his account of approximately \$100.00 from his family. See Motion IFP, Dkt. No. 7, at 4, 8. Plaintiff does not allege that choosing

to save his money towards payment of the filing fee rather than spending it on items from the commissary would require him to forgo life's necessities.

Conclusion

The Court will permit Plaintiff thirty (30) days to deliver in person or by mail the filing fee in the amount of \$400.00 (cash or bank check made payable to the Clerk of Court) to the Clerk's Office, 450 Main Street, Hartford, Connecticut, 06103. During this thirty-day period, the case will be held in abeyance. The Court will dismiss the action if Plaintiff fails to deliver the \$400.00 filing fee within the time specified.

/s/
Vanessa L. Bryant
United States District Judge