

14-844 BRUCE V. SAMUELS

DECISION BELOW: 761 F.3d 1

LOWER COURT CASE NUMBER: 10-5059

QUESTION PRESENTED:

Under the Prison Litigation Reform Act, 28 U.S.C. § 1915(b)(2), prisoners proceeding *in forma pauperis* must each month pay 20% of their existing income towards a federal case or appeal's filing fee, until satisfying the entire filing fee. The Fifth, Seventh, Eighth, and Tenth Circuits and the D.C. Circuit here have held that, where a prisoner has more than one federal case or appeal for which a filing fee is or remains owed, § 1915(b)(2) requires the prisoner to make a separate monthly 20% installment payment for each such filing fee, meaning that 40% of the prisoner's income would be taken in total per month if the prisoner still has filing fees for two matters outstanding, 60% if he has three filing fees outstanding, and even 100% if he has five filing fees outstanding. The Second and Fourth Circuits, in contrast, have held that § 1915 (b)(2) caps the total to be taken from a prisoner at 20% per month irrespective of how many filing fees that prisoner might still owe, with the prisoner paying off each filing fee sequentially in the order in which it was incurred. The question presented is:

When a prisoner files more than one case or appeal in the federal courts *in forma pauperis*, does § 1915(b)(2) cap the monthly exaction of filing fees at 20% of the prisoner's monthly income regardless of the number of cases or appeals for which he owes filing fees?

CERT. GRANTED 6/15/2015