

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

222 West 7th Avenue #4
Anchorage, Alaska 99513-7564
(907) 677-6100

**INFORMATION TO PRISONERS APPLYING
TO FILE A CIVIL ACTION IN FEDERAL COURT
WITHOUT PREPAYMENT OF FEES**

Under the **Prison Litigation Reform Act of 1996**, as a prisoner you are now required to pay the full federal court **filing fee** of **\$350.00** for a civil action challenging the conditions of your confinement. The filing fee for filing a petition for writ of habeas corpus, under 28 U.S.C. § 2254 is \$5.00. If you later file an appeal, your filing fee for the appeal is \$455.00.

If you have the money to pay the filing fee, send a cashier's check or money order to the Court with your complaint. If you do not have enough money to pay the full filing fee at the time you file your complaint, you must file an **Application to Waive Prepayment of Fees**. If the Court grants your application, you will be required to pay an **initial partial filing fee** of 20 percent of the greater of (a) the average monthly deposits to your prison or jail account for the six months immediately before filing the lawsuit; or (b) the average monthly balance in your prison or jail account for that same six month period. Your signed **Authorization**, included in your application, will allow the agency with custody of you to (1) prepare for the Court, a certified statement of your trust fund account for the past six months, and (2) deduct money, when funds are available, from your prison or jail account and to send the money to the Court as ordered.

To waive prepayment of fees, you must complete the attached form listing all your assets, and return it to the Court with your complaint. Your application must be typewritten or legibly handwritten. You must declare under penalty of perjury that the information you provide is correct. Fill in all requested information about yourself. If a question does not apply to you, write "N/A." If you leave any answers blank, you may be required to amend your application. You must answer completely and truthfully. Penalties for perjury can be severe.

In addition, you must complete the Authorization section, and you must have the Department of Corrections complete the Certification and Calculation section. You must attach a certified copy of your prison or jail trust account statement for the last six months. If you file an incomplete form or do not submit

a prison or jail account statement with the form, your application will be denied. The financial certificate must be received by the Court within thirty (30) days of the date it was completed and signed by the corrections official. In Alaska, send the blank certificate for completion to:

Department of Corrections
P.O. Box 112000
Juneau, Alaska 99811-2000
Attention: Inmate Accounts

After the initial partial filing fee has been paid, you will still owe the balance of the filing fee. Each month, you will be required to make payments of 20 percent of the past month's income credited to your account, until the filing fee is paid in full. The institution having custody of you will collect these payments each time the amount in your account is greater than \$10.00, and forward them to the Court.

The balance of the filing fee may be collected even if the action is dismissed, summary judgment is granted against you or you fail to prevail at trial. If you are successful in receiving any monetary award, the court can require you to reimburse any fees and costs that are unpaid.

If, while you are a prisoner, you file more than three actions or appeals in any federal court in the United States that are dismissed as frivolous or malicious or for failure to state a claim on which relief can be granted, you will be prohibited from bringing any other actions without prepayment of fees unless you can demonstrate that you are in imminent danger of serious physical injury.

All prisoners who seek to waive prepayment of fees must complete the entire application, including the Certification and Calculation section, which is filled out by the Department of Corrections. However, although they must also comply with these requirements, state prisoners filing habeas corpus petitions under 28 U.S.C. § 2254, will not be required to pay their \$5.00 filing fees in installments. Instead, their filing fees may be waived at the direction of the Court. Federal prisoners filing motions in their original criminal cases, under § 2255, are not required to pay a new filing fee.

If you are transferred or released, you must immediately inform the Court of your new address and/or place of confinement. Otherwise, your case may be dismissed.