

ORIGINAL

In the United States Court of Federal Claims

No. 14-925C
(Filed December 9, 2014)
NOT FOR PUBLICATION

FILED

DEC - 9 2014

U.S. COURT OF
FEDERAL CLAIMS

JOHN DAVID McBRIDE,

Plaintiff,

v.

THE UNITED STATES,


Defendant.

ORDER

Before the Court is plaintiff's December 8, 2014 motion for reconsideration of the Court's November 25, 2014 Order denying leave to proceed *in forma pauperis*. Under the Prison Litigation Reform Act, a court may not grant leave for a prisoner to proceed *in forma pauperis* if while a prisoner he had three or more cases dismissed for failure to state a claim unless the prisoner is under "imminent danger of serious physical injury." 28 U.S.C. § 1915(g). Plaintiff has asserted that "he is under constant mental and emotional duress" and claims to be particularly fearful "after filing civil cases against the Warden." Because plaintiff has now alleged that he is in imminent danger of serious physical injury, Mr. McBride's request to proceed *in forma pauperis* is **GRANTED**.

Prisoners seeking to proceed *in forma pauperis* are required to pay, over time, the filing fee in full. *Id.* § 1915(b). Thus, plaintiff shall be assessed, as a partial payment of the court's filing fee, an initial sum of twenty percent of the greater of (1) the average monthly deposits into his account, or (2) the average monthly balance in his account for the six-month period immediately preceding the filing of his complaint. *Id.* § 1915(b)(1). Thereafter, Mr. McBride shall be required to make monthly payments of twenty percent of the preceding month's income credited to his account. *Id.* § 1915(b)(2). The agency having custody of plaintiff shall forward payments from plaintiff's account to the Clerk of the Court of Federal Claims each time the account balance exceeds \$10 and until such time as the filing fee is paid in full. *Id.*

IT IS SO ORDERED.



VICTOR J. WOLSKI
Judge