

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

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|--------------------------------|---|-------------------------------------|
| COREY GRIER; CHRISTOPHER | : | |
| RUSSELL; PATRICK E. CAIL; | : | |
| MARKETT MOORE; CEDRIC | : | |
| CALHOUN; ALBERT L. LANE; | : | |
| DURRELL MURPHY; MAURICE | : | |
| COLEMAN; DAVID MCMILLAN; | : | CIVIL ACTION NO.: 5:08-CV-177 (CAR) |
| FRANK MATHIS; RANDALL GLENN | : | |
| DAVIS, II; LORNE VERNAE STONE; | : | |
| ANTHONY W. CHERRY; ROBBIE | : | |
| V. FLOYD; RALPH CARTER; | : | |
| LEROY SANDERS; MONTAY | : | |
| STINSON; ADAM LEYS; TOMMY | : | |
| PICKERN; JEFFERY MCCLURE; | : | |
| DANNY SHAW; MARLIN LAWRENCE, | : | |
| | : | <u>ORDER</u> |
| Plaintiffs | : | |
| | : | |
| VS. | : | |
| | : | |
| HILTON HALL; MARY GORE | : | |
| | : | |
| Defendants | : | |

Twenty-two (22) plaintiffs, all inmates at the Georgia Diagnostic and Classifications Center in Jackson, Georgia, have filed a joint *pro se* complaint under 42 U.S.C. § 1983. Because plaintiffs have not paid the \$350.00 filing fee, the Court assumes that they want to proceed *in forma pauperis*.

The Prison Litigation Reform Act of 1995 (the “PLRA”) requires that a prisoner bringing a civil action *in forma pauperis* pay the full filing fee. 28 U.S.C. § 1915(b). The Eleventh Circuit Court of Appeals has held that prisoners proceeding *in forma pauperis* are not allowed to join together as plaintiffs in a single lawsuit. Each prisoner is required to file his own lawsuit and pay the full amount of the filing fee. **Hubbard v. Haley**, 262 F.3d 1194 (11th Cir. 2001). Prisoners may not join claims and thus pro-rate a single filing fee. As the Eleventh Circuit in **Hubbard** noted, requiring each plaintiff to pay the full filing fee is consistent with Congress's purpose of imposing

costs on prisoners to deter frivolous suits. *Id.* at 1197-98.

Applying this principle to the case at hand, plaintiffs' are not allowed to proceed *in forma pauperis* and this case is **DISMISSED**.¹ Dismissal is without prejudice and plaintiffs will be allowed to re-file their complaints separately, if they choose.

SO ORDERED, this 9th day of June, 2008.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

lnb

¹As plaintiffs' case is dismissed, the pending motion to amend/correct (Doc. #3) and motion for protective order (Doc. #4) are **DISMISSED** as well.