U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
JUN 7 2011
AT ____ O'CLOCK

United States District Court
for the
Northern District of New York

GENERAL ORDER #46

****
In the Matter of Filing Prisoner Case-Initiation
Documents Without the Filing Fee and Without
an Application to Proceed *in Forma Pauperis*
****

The Court recognizes the " 'unique' difficulties faced by *pro se* prisoner litigants," who unlike other civil litigants "simply [have] no control over the processing of" their complaints. *Dory v. Ryan*, 999 F.3d 679, 682 (2d Cir. 1993) (quoting *Houston v. Lack*, 487 U.S. 266, 275 (1988)). One "inherent disadvantage" prisoner litigants suffer is that they "have no choice" in commencing an action but by handing over their complaints "to prison authorities for forwarding to the court clerk" by mail. *See Houston*, 487 U.S. at 275.

If a prisoner litigant's submission does not meet filing requirements, this inherent disadvantage becomes manifest as a substantial obstacle to the prisoner litigant's ability to learn of and to remedy filing deficiencies as quickly as other civil litigants. As such, the Court's current practice of rejecting a prisoner's complaint when it is not received contemporaneously with a filing fee or an application to proceed *in forma pauperis* undermines its ability to promote just and timely resolution of cases subject to the Prison Litigation Reform Act.

Therefore, consistent with the Court's long-standing policy of helping all litigants resolve their civil disputes in a just, timely, and cost-effective manner, it is hereby ORDERED that,

(1) On receipt of a complaint or petition subject to the Prison Litigation Reform Act, the Clerk shall promptly file and assign an action in accordance with L.R. 40.1 so as to ensure that a judicial officer may comply with the requirements set forth in L.R. 5.4(b)(2)(A).

(2) This Order shall not limit the Clerk's current authority to reject for filing any submission that the Clerk's Office cannot manage in the regular execution of its duties because that document is not clear, not properly filed, or otherwise noncompliant with legal filing requirements.

So ORDERED this 7th day of June, 2011.
At Syracuse, New York

Norman A. Mordue

Hon. Norman A. Mordue
Chief Judge