

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 18-0005**

The full Court met in executive session on Thursday, March 22, 2018 and approved an amendment to Local Rule 3.3, Payment of Fees in Advance, *In Forma Pauperis* Matters, Sanctions. The proposed amendment was published with comments due on January 5, 2018. No comments were received from the Public or the Rules Advisory Committee.

The Court's Rules Committee considered the rule at its meeting on February 15, 2018. It recommended that the full Court adopt the proposed amendment to Local Rule 3.3.

The full Court considered the recommendation of the Rules Committee at its meeting on March 22, 2018 and agreed to modify Local Rule 3.3. Therefore,

By direction of the full Court, which met in executive session on Thursday, March 22, 2018,

IT IS HEREBY ORDERED that Local Rule 3.3, Payment of Fees in Advance, *In Forma Pauperis* Matter, Sanctions, be amended as follows (additions shown thus, deletions shown ~~thus~~).

LR 3.3. Payment of Fees in Advance, In Forma Pauperis Matters, Sanctions

(a) Definitions. The following definitions shall apply to this rule:

(1) "IFP petition" means a petition for leave to proceed *in forma pauperis*, i.e., without prepayment of prescribed fees.

(2) "Financial affidavit" means the form of affidavit of financial status prescribed by the Court.

(b) Prepayment Required. Any document submitted for filing for which a filing fee is required must be accompanied either by the appropriate fee or an IFP petition. Notwithstanding this provision, the clerk will file any document including a complaint in a civil action, a notice of appeal, or other document for which a filing fee is prescribed, without prepayment, but such filings shall be subject to the sanctions set forth in section ~~(e)~~ of this Rule.

(c) **Filing in forma pauperis.** The IFP petition and the financial affidavit shall be filed and assigned to a judge. The complaint shall be stamped received as of the date presented. The clerk shall promptly forward the IFP petition and all other papers to the judge to whom it is assigned.

(d) **Date of filing.** If the judge grants the IFP petition, the complaint shall be filed as of the date of the judge's order except that where the complaint must be filed within a time limit and the order granting leave to file is entered after the expiration of that time limit, the complaint shall be deemed to have been filed:

(1) in the case of any plaintiff in custody, as of the time of the plaintiff's delivery of the complaint to the custodial authorities for transmittal to the court; or

(2) in the case of any other plaintiff, as of the time the complaint was received by the clerk.

(e) Disposition of the IFP petition. In addition to granting or denying an IFP petition, the judge may order the payment of a partial filing fee when the plaintiff's financial circumstances so warrant.

(ef) Notice of fees due; sanctions. Upon denial of an IFP petition, the clerk shall notify the ~~person filing the documents~~ plaintiff of the amount of fees due. If the required fees are not paid within 15 days of the date of such notification, or within such other time as may be fixed by the court, the clerk shall notify the judge before whom the matter is pending of the nonpayment. The court may then apply such sanctions as it determines necessary including dismissal of the action.

(fg) Service of Summonses by United States Marshal~~Order Granting IFP Petition.~~ Where an order is entered granting the IFP petition, that order shall, unless otherwise ordered by the court, stand as authority for the United States Marshal to serve summonses without prepayment of the required fees.

ENTER:
FOR THE COURT



Chief Judge

Dated at Chicago, Illinois this 29th day of March, 2018.