

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 19-1981

Larry David Davis

Appellant

v.

Larry Tegley, Prosecutor, et al.

Appellees

Appeal from U.S. District Court for the Eastern District of Arkansas - Little Rock
(4:19-cv-00264-BRW)

ORDER

The petition for rehearing by the panel is denied.

November 22, 2019

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 19-1981

Larry David Davis

Plaintiff - Appellant

v.

Larry Tegley, Prosecutor; Barry Sims, Judge; Ryan Childers, Officer; Justin Hick, Former
Detective

Defendants - Appellees

Appeal from U.S. District Court for the Eastern District of Arkansas - Little Rock
(4:19-cv-00264-BRW)

JUDGMENT

Before LOKEN, GRUENDER and ERICKSON, Circuit Judges.

The court has reviewed the original file of the United States District Court. Appellant's application to proceed in forma pauperis is granted. The full \$505 appellate filing and docketing fees are assessed against the appellant. Appellant may pay the filing fee in installments in accordance with 28 U.S.C. § 1915(b). The court remands the assessment and collection of those fees to the district court.

It is ordered by the court that the judgment of the district court is summarily affirmed.
See Eighth Circuit Rule 47A(a).

September 20, 2019

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

United States Court of Appeals

For The Eighth Circuit

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St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

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September 20, 2019

Mr. Larry David Davis
ARKANSAS DEPARTMENT OF CORRECTIONS
123330
880 E. Gaines
Dermott, AR 71638-9505

RE: 19-1981 Larry Davis v. Larry Tegley, et al

Dear Sir:

Enclosed is a copy of the dispositive order in the referenced appeal. Please note that FRAP 40 of the Federal Rules of Appellate Procedure requires any petition for rehearing to be filed within 14 days after entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. This court strictly enforces the 14 day period. **No grace period for mailing is granted** for pro-se-filed petitions. A petition for rehearing or a motion for an extension of time must be filed with the Clerk's office within the 14 day period.

Michael E. Gans
Clerk of Court

JMM

Enclosure(s)

cc: Mr. Jim McCormack

District Court/Agency Case Number(s): 4:19-cv-00264-BRW

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

LARRY DAVID DAVIS, ADC #123330

PLAINTIFF

VS.

4:19-CV-00264-BRW

LARRY TEGLEY, *ET AL.*

DEFENDANTS

JUDGMENT

Based on the order entered today, this case is DISMISSED without prejudice.

I certify that an *in forma pauperis* appeal of this dismissal would be frivolous and would not be taken in good faith.

IT IS SO ORDERED this 16th day of April, 2019.

Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

LARRY DAVID DAVIS, ADC #123330

PLAINTIFF

VS.

4:19-CV-00264-BRW

LARRY TEGLEY, *ET AL.*

DEFENDANTS

ORDER

Plaintiff, an inmate in the Arkansas Department of Correction, filed *pro se* complaint under 42 U.S.C. § 1983,¹ and submitted an application for leave to proceed *in forma pauperis*. Based on the documentation Plaintiff provided, the request to proceed *in forma pauperis* (Doc. No. 2) is GRANTED. However, for the reasons set out below, the case is DISMISSED.

I. *IN FORMA PAUPERIS* APPLICATION

Prisoners who are allowed to file civil actions *in forma pauperis* still must pay a \$350.00 filing fee.¹ If a prisoner cannot afford to pay the filing fee in a lump sum, money is withdrawn from his prison trust fund account in monthly installments.²

Because Plaintiff's calculation sheet indicates that his initial filing fee would be zero dollars, he will not have an initial payment. However, Plaintiff's present custodian is directed to collect, and send to the Clerk of the Court, monthly installments equal to 20% of the preceding month's income credited to Plaintiff's prison trust account each time the amount in the account exceeds \$10.00, until the \$350 filing fee is fully paid.³ All payments should be clearly identified by the name and number assigned to this case.

¹Doc. No. 1.

¹28 U.S.C. §1915(b)(1).

²28 U.S.C. § 1915(b)(1)-(2).

³28 U.S.C. § 1915(b)(1)-(2).