



United States District Court  
**DISTRICT OF MINNESOTA**

**LR 4.2 FEES**

**(a) Collection in Advance.**

(1) *General Rule.* Ordinarily, the clerk must collect in advance statutory fees associated with the institution or prosecution of any action. The clerk must deposit and account for those fees in accordance with directives of the Administrative Office of the United States Courts. The clerk is not required to collect fees in advance when a party seeks to proceed in forma pauperis in accordance with LR 4.2(a)(2).

(2) *Proceedings in Forma Pauperis.* If a party seeks to proceed in forma pauperis, the party must present to the clerk the complaint or other case-initiating document and an application to proceed in district court without prepaying fees or costs. The clerk must file the case-initiating document as if the filing fee had been paid and must submit the application to the court.

**(b) Nonpayment.** If a party has failed to pay costs or fees owed to and demanded by the clerk or the United States marshal, the clerk or marshal must inform the court of the party's failure to pay. The court may order the party to show cause why the court should not require immediate payment of the unpaid costs or fees.

**(c) Refusal to File by Clerk.** The clerk may refuse to file anything submitted by a party until the party has paid all fees owed to the clerk, unless:

(1) the party's application for in forma pauperis status — that is, to proceed in district court without prepaying fees or costs — either is pending or has been granted;

(2) the party is an inmate in state custody and is filing a petition for habeas corpus under 28 U.S.C. § 2254; or

(3) the clerk is otherwise prohibited by federal law from doing so.

**(d) Retaining Possession until Fees Are Paid.** When the marshal or any other officer of the court possesses, or may possess, any document relating to a service on a party's behalf, the officer may retain possession of the document until the party has paid all required service-related fees.

[Adopted effective February 1, 1991; amended July 23, 2012]

## **2012 Advisory Committee's Note to LR 4.2**

The language of LR 4.2 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

In subsection (a)(2), the phrase "motion for permission to proceed in forma pauperis" has been replaced with the phrase "application to proceed in district court without prepaying fees or costs," as this is the actual title of the form available from the clerk's office. The phrase "in forma pauperis" is simply Latin for "as a poor person." For historical reasons, the phrase "in forma pauperis" has been retained in portions of rule's text, but in practice, a party who is permitted to proceed "in forma pauperis" is simply permitted to proceed without prepaying certain fees or costs.

Also in subsection (a)(2), the following sentence was deleted: "If permission to proceed in forma pauperis is later denied, the complaint shall be stricken." This sentence did not reflect the court's actual practice. In fact, if the court denies a party's application to proceed without prepaying fees or costs, the court gives the party an opportunity to pay those fees or costs before the court strikes the party's complaint.

Subsection (c) has been expanded to itemize the situations in which the clerk must file documents submitted by a party even when that party owes fees to the clerk.