



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 file the complaint or other case-initiating document and an application to proceed in district court without prepaying fees or costs.

(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.

[Adopted effective February 1, 1991; amended July 23, 2012; amended March 19, 2021]

2021 Advisory Committee's Note to LR 4.2

Local Rule 4.2 has been amended to reflect the current process the Clerk's Office follows when receiving a new complaint or petition. The Clerk's Office will accept and open a new case for all complaints or petitions when they are received. If the Clerk's Office receives a complaint or petition that was not accompanied with the requisite filing fee or an application to proceed without prepaying fees or costs, the Clerk's Office will open the new case and ask the plaintiff or petitioner to supply the necessary payment or paperwork. The Court will follow-up with the plaintiff or petitioner if no payment or paperwork is received. The case may be summarily dismissed for failure to provide the necessary payment or paperwork. Subsection (c) was removed to reflect this process.

Subsection (d) was removed because the language no longer applies to the current service process employed by the U.S. Marshals Service.

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.