

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

JOSEPH M. WALLS,)
)
 Plaintiff,)
) C.A. No. N12M-04-115 MMJ
 v.)
)
 PERRY PHELPS, CASEY PHELPS)
 and STANLEY BAYNARD)
)
 Defendants.)

Submitted: June 3, 2014
Decided: July 14, 2014

ORDER

On Plaintiff's Motion Under Rule 60(b)(6),
Rule 112(a), and 10 *Del. C.* § 8804(b)

DENIED

1. By Order dated August 21, 2012, this Court revoked the *in forma pauperis* status of plaintiff Joseph M. Walls. The Court found that Walls had brought more than three civil actions which had been dismissed as frivolous or for failure to state a claim. Pursuant to 10 *Del. C.* § 8804(f), Walls is precluded from proceeding *in forma pauperis*.

2. By Order dated October 17, 2012, the Court dismissed Walls' then-pending complaint for failure to pay the required filing fee.

3. By Order dated January 23, 2014, the Delaware Supreme Court affirmed this Court's August 21, 2012 and October 17, 2012 Orders.

4. Plaintiff now moves that this Court exercise its discretion to permit him to pay filing fees in installments under Superior Court Civil Rule 112(a) and Section 8804(b).

5. The Court finds that Plaintiff has failed to show good cause why he should be permitted the discretionary privilege of paying filing fees by installments. Plaintiff's prior frivolous filings have so burdened the Court that revocation of *in forma pauperis* was required. Further, pursuant to Rule 112(a), installment payments are one method of permitting a party to proceed *in forma pauperis*. Installment payments are not contemplated by the Rules for parties who are denied *in forma pauperis* status.

THEREFORE, Plaintiff's Motion Under Rule 60(b)(6), Rule 112(a), and 10 *Del. C.* § 8804(b) is hereby **DENIED**.

SO ORDERED.

/s/ Mary M. Johnston
Judge Mary M. Johnston

