

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

RICHARD D. MONTGOMERY,
Petitioner,

v.

DEPARTMENT OF THE AIR FORCE,
Respondent.

2014-3196

Petition for review of the Merit Systems Protection Board in No. DA-0752-14-0098-I-1.

ON MOTION

O R D E R

Richard D. Montgomery moves for leave to proceed in forma pauperis.

Montgomery is incarcerated. Pursuant to the Prisoner Litigation Reform Act of 1995, this court may not authorize the prosecution of an appeal by a prisoner without the prepayment of fees. 28 U.S.C. § 1915. A prisoner is no longer afforded the alternative of proceeding without payment of filing fees, but must, in time, pay

the \$500 filing fee in its entirety. When funds exist, an initial partial payment must be made consisting of 20% of the greater of (a) the average monthly deposits to the prisoner's account or (b) the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the notice of appeal. 28 U.S.C. § 1915(b)(1). Thereafter, the prisoner is required to make monthly payments of 20% of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b)(2). The agency with custody of the prisoner must forward payments from the prisoner's account each time the amount in the account exceeds \$10 until the \$500 filing fee is paid in full. *Id.* Montgomery has indicated that none of his prior actions or appeals were dismissed because they were frivolous, malicious, or failed to state a claim upon which relief can be granted.

By separate letter, the custodian of Montgomery's prison account is being directed to make the necessary arrangements to forward the filing fee to the court.

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court