

NOTE: This order is nonprecedential.

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

R. WAYNE JOHNSON,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee.

2014-5102

Appeal from the United States Court of Federal Claims in No. 1:14-cv-00294-NBF, Senior Judge Eric G. Bruggink.

ON MOTION

O R D E R

R. Wayne Johnson moves for leave to proceed in forma pauperis. The United States moves for a 21-day extension of time, until August 21, 2014, to file its response brief.

Johnson 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 \$505 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 \$505 filing fee is paid in full. *Id.*

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

Accordingly,

It Is Ordered That:

- (1) The motion for leave to proceed in forma pauperis is denied.
- (2) The motion for an extension of time is granted.

* The court notes that Mr. Johnson signed an earlier version of Federal Circuit Form 6A, authorizing payment of this court's filing fee from his account. On December 1, 2013, the court increased its filing fee. Thus, Mr. Johnson's account will be charged the current fee of \$505.

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FOR THE COURT

/s/ Daniel E. O'Toole

Daniel E. O'Toole

Clerk of Court

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