

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**TERRY EUGENE CHITWOOD,** )

**Plaintiff,** )

**v.** )

**KIM THOMAS, et al.,** )

**Defendants.** )

) **Case No. 5:12-cv-00550-AKK**

**FINAL JUDGMENT**

In accordance with the Memorandum of Opinion entered contemporaneously herewith and with Rule 58, FED. R. CIV. P., it is hereby **ORDERED, ADJUDGED, and DECREED** that plaintiff's claims in this action are dismissed for failing to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b). Plaintiff is hereby put on notice that the dismissal of this action is a dismissal countable for purposes of 28 U.S.C. § 1915(g).

Costs are taxed to the plaintiff.

For information regarding the cost of appeal, see the attached notice.

**DONE** this the 30th day of October, 2012.



**ABDUL K. KALLON**  
UNITED STATES DISTRICT JUDGE

United States Court of Appeals  
Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

John Ley  
Clerk

In Replying Give Number  
Of Case and Names of Parties

NOTICE TO PRISONERS CONCERNING CIVIL APPEALS

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The Prison Litigation Reform Act of 1995 (effective April 26, 1996) now **REQUIRES** that all prisoners pay the Court's \$450 docket fee plus \$5 filing fee (for a total of \$455) when appealing any civil judgment.

If you wish to appeal in a civil case that Act now **requires** that upon filing a notice of appeal you *either*:

- (1) Pay the total \$455 fee to the clerk of the district court from which this case arose; *or*
- (2) arrange to have a prison official certify to the district court from which the appeal arose the average monthly deposits and balances in your prison account for each of the six months preceding the filing of a notice of appeal.

If you proceed with option (2) above, the Act requires that the district court order you to pay an *initial partial fee* of at least 20% of the **greater** of either the average monthly deposits or of the average monthly balances shown in your prison account. The remainder of the total \$455 fee will thereafter be deducted from your prison account each month that your account balance exceeds \$10. Each such monthly deduction shall equal 20% of all deposits to your prison account during the previous month, until the total \$455 fee is paid. (If your prison account statement shows that you cannot pay even the required *initial partial fee*, your appeal may nevertheless proceed, BUT THE TOTAL \$455 FEE WILL BE ASSESSED AGAINST AND WILL BE DEDUCTED FROM FUTURE DEPOSITS TO YOUR PRISON ACCOUNT.)

Fees are not refundable, regardless of outcome, and deductions from your prison account will continue until the total \$455 fee is collected, even if an appeal is unsuccessful.

John Ley  
Clerk

PLRA Notice