

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

HOWARD BANKS,

Plaintiff,

v.

Case No. 3:09-cv-1284-J-12MCR

WALTER A. MCNEIL,  
etc.; et al.,

Defendants.

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**ORDER**

This cause is before the Court upon Plaintiff's Notice of Appeal (Doc. #9). This appeal is not taken in good faith under Rule 24(a)(3) of the Federal Rules of Appellate Procedure and 28 U.S.C. § 1915(a)(3) because this case was properly dismissed pursuant to 28 U.S.C. § 1915(g). Thus, Plaintiff is not entitled to appeal as a pauper. Accordingly, the Clerk of Court shall send a Prisoner Consent Form and Financial Certificate to Plaintiff. Plaintiff shall either file a fully completed Prisoner Consent Form and Financial Certificate or pay the \$455.00 appellate filing and docketing fees within **THIRTY (30) DAYS** from the date of this Order.

**DONE AND ORDERED** at Jacksonville, Florida, this 3rd day of March, 2010.

Howell W. Melton  
UNITED STATES DISTRICT JUDGE

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c:  
Howard Banks  
USCA