

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

EDDIE MILTON GAREY, JR.,	:	
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
MICHAEL G. THOMPSON, <i>et al.</i> ,	:	NO. 5:07-CV-322 (HL)
	:	
Defendants	:	<u>ORDER</u>

Plaintiff **EDDIE MILTON GAREY, JR.**, an inmate at the Federal Penitentiary in Inez, Kentucky, has filed a motion to proceed *in forma pauperis* on appeal from two orders of the Court. The first, entered January 22, 2010, accepted Magistrate Judge G. Mallon Faircloth’s recommendation that plaintiff’s case be dismissed as to all defendants. The second, entered June 1, 2010, denied plaintiff’s motion for reconsideration, amended motion for reconsideration, and motion for relief from judgment and order. In the Court’s best judgment, an appeal from these orders cannot be taken in good faith. 28 U.S.C. § 1915(a)(3). Accordingly, having been carefully considered, plaintiff’s motion to proceed IFP on appeal is hereby **DENIED**.

If plaintiff wishes to proceed with his appeal, he must pay the entire \$455.00 appellate filing fee. Because plaintiff has stated that he cannot pay the \$455.00 immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to section 1915(b), prison officials are directed to collect funds when plaintiff’s account exceeds \$10.00 through ongoing deductions and forward them to the Clerk of this Court until the \$455.00 filing fee is paid in full. Checks should be made payable to “Clerk, U.S. District Court.”

The Clerk of Court is directed to send a copy of this order to the business manager at the Inez Federal Penitentiary.

SO ORDERED, this 10th day of September, 2010.

s/ Hugh Lawson _____
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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