

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

RAYMOND STEPHENS, SR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:08-CV-219 (MTT)
)	
GEORGIA DEPARTMENT OF TRANSPORTATION,)	
)	
Defendant.)	
)	

ORDER

The previous Order of this Court (Doc. 50) on the Plaintiff’s Motion for Leave to Appeal in Forma Pauperis (Doc. 47) (the “Motion”) is hereby vacated and replaced by this Order. For the following reasons, the Motion is denied.

This Court dismissed the Plaintiff’s case because he failed to exhaust his administrative remedies. The Plaintiff filed this Motion seeking to appeal this Court’s ruling without having to pay costs. He filed with his Motion an Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis (the “Affidavit”). The Plaintiff filled out the financial information requested in the form Affidavit, but left blank the section that states, “My issues on appeal are.”

Federal Rule of Appellate Procedure 24(a) sets out the requirements for an appellant in a civil case who wishes to proceed in forma pauperis. According to Rule 24(a)(1), the appellant “must attach an affidavit that . . . (A) shows in the detail prescribed by Form 4 of the Appendix of Forms [his] inability to pay or give security for the fees and costs; (B) claims an entitlement to redress; and (C) states the issues that [he] intends to present on appeal.” Here, the Plaintiff’s affidavit is insufficient in that it

neither claims an entitlement to redress nor states the issues that are presented on appeal. Therefore, the Plaintiff has failed to satisfy the requirements of Rule 24 and his Motion (Doc. 47) is **DENIED** without prejudice. If plaintiff wishes to proceed with his appeal, he must pay the entire \$455.00 appellate filing fee, or he may have one opportunity to amend his Motion to conform to the standards set out by Fed. R. App. Proc. 24(a).

SO ORDERED, this the 13th day of December, 2010.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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