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

WESLEY EUGENE DOLLAR,	)
Plaintiff,	)
v.	) CIVIL ACTION NO. 5:10-CV-208 (MTT)
WARDEN ALAN CARTER, et al.,	)
Defendants.	) ) )
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## **ORDER**

This matter is before the Court on the Plaintiff's Motion for Permission to Appeal In Forma Pauperis (Doc. 37) (the "Motion"). For the following reasons, the Motion is denied.

The Plaintiff seeks to appeal this Court's previous Order (Doc. 18). In the Previous Order, the Court adopted the Recommendation of the Magistrate Judge which stated that the Plaintiff failed to show a likelihood of success on the merits and therefore recommended denying the Plaintiff's Motion for a Preliminary Injunction. This Court having denied his Motion to Reconsider, the Plaintiff now seeks to appeal the Court's Order 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. 37) 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 22<sup>ND</sup> day of December, 2010.

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

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