

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

WESLEY EUGENE DOLLAR,

Plaintiff,

v.

WARDEN ALAN CARTER, et al.,

Defendants.

CIVIL ACTION NO. 5:10-CV-208 (MTT)

ORDER

This matter is before the Court on the Plaintiff Wesley Eugene Dollar’s Motion for Permission to Appeal In Forma Pauperis (Doc. 58) (the “Motion”).¹ For the following reasons, the Motion is denied.

The Plaintiff seeks to appeal this Court’s previous Order. (Doc. 54). In the previous Order, the Court adopted the Recommendation of the Magistrate Judge which stated that the Plaintiff’s claims were precluded by the doctrine of *res judicata*. Therefore, the Magistrate Judge recommended granting Defendants’ Motion to Dismiss.

This Court denied the Plaintiff’s Motion to Reconsider, and the Plaintiff now seeks to appeal the Court’s Order without having to pay costs. He filed with his Motion an Affidavit. The Plaintiff filled out the financial information requested in the form Affidavit, but failed to elaborate his stated issues on appeal.

¹ Although Plaintiff filled out the regular Motion to Proceed In Forma Pauperis, rather than the Motion to Appeal In Forma Pauperis, the Plaintiff’s intent was to file a Motion for Permission to Appeal In Forma Pauperis because judgment on his claims has been rendered by this Court.

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. 58) is **DENIED** without prejudice. If the 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 8th day of September, 2011.

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

bnw