

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

DANNY WILLIAMS,

Plaintiff

VS.

DONALD BARROW, *et al.*,

Defendants

NO. 5:11-CV-431 (MTT)

ORDER

Plaintiff **DANNY WILLIAMS**, an inmate at Washington State Prison, has filed a motion to proceed *in forma pauperis* (“IFP”) on appeal (Doc. 45) from the Court’s Order accepting the Magistrate’s recommendation that Plaintiff’s complaint be dismissed. The reason for dismissal was Plaintiff’s failure to fully exhaust administrative remedies before filing this lawsuit. **See** 42 U.S.C. § 1997e(a). In the Court’s best judgment, an appeal from its Order cannot be taken in good faith. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). Plaintiff’s motion to proceed IFP on appeal is accordingly **DENIED**.

If Plaintiff wishes to proceed with his appeal, he must pay the entire \$455 appellate filing fee. Because Plaintiff has stated that he cannot pay the fee immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to section 1915(b), the prison account custodian shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month’s income credited to Plaintiff’s account (to the extent the account balance exceeds \$10) until the \$455

appellate filing fee has been 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 Washington State Prison.

SO ORDERED, this 5th day of June, 2013.

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

cr