ADAMS v. BISHOP et al Doc. 75

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

ALLEN ALPHONZO ADAMS,)	
)	
Plaintiff,)	
)	
V.)	CIVIL ACTION NO. 5:12-CV-321(MTT)
)	
ASSISTANT WARDEN JUNE BISHOI	P,)	
et al.,)	
)	
Defendants.)	
)	

<u>ORDER</u>

Plaintiff Allen Alphonzo Adams, a prisoner currently confined at Georgia

Diagnostic & Classification Prison in Jackson, Georgia, has filed a Motion for Leave to

Appeal *in forma pauperis* (Doc. 74) from this Court's Order (Doc. 65). In the Court's

best judgment, an appeal from that Order cannot be taken in good faith. The Plaintiff's

Motion for Leave to Appeal *in forma pauperis* is accordingly **DENIED**. See 28 U.S.C.

§ 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in

writing that it is not taken in good faith."); Fed. R. App. P. 24(a)(3) ("A party who was

permitted to proceed in forma pauperis in the district-court action ... may proceed on

appeal *in forma pauperis* ... unless ... the district court ... certifies that the appeal is not taken in good faith.").

If the Plaintiff wishes to proceed with his appeal, he must pay the entire \$455.00 appellate filing fee. Because the Plaintiff has indicated 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 § 1915(b), the prison account custodian where the Plaintiff is

incarcerated shall cause to be remitted to the Clerk of this Court monthly payments of

20% of the preceding month's income credited to the Plaintiff's account until the

\$455.00 appellate filing fee has been paid in full. Twenty percent of any deposits into

the prisoner's account shall be withheld by the prison account custodian who, on a

monthly basis, shall forward the amount withheld from the prisoner's account to the

Clerk of this Court each time the amount in the account exceeds \$10.00 until the total

filing fee of \$455.00 has been paid. Checks should be made payable to "Clerk, U.S."

District Court."

The Clerk of Court shall mail a copy of this Order to the custodian of the prison in

which the Plaintiff is presently incarcerated.

SO ORDERED, this the 19th day of March, 2013.

S/ Marc T. Treadwell

MARC T. TREADWELL, JUDGE

UNITED STATES DISTRICT COURT

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