

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

EMEKA MICHAEL ABANIFI, JR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:12-CV-421 (MTT)
)	
Warden SHEILA OUBRE, et al.,)	
)	
Defendants.)	
)	

ORDER

Plaintiff **Emeka Michael Abanifi, Jr.** filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. (Doc. 1). The Plaintiff has now filed a notice of appeal in this case and a motion to proceed *in forma pauperis* on appeal from this Court’s Order dismissing his complaint for failure to exhaust his administrative remedies. (Docs. 42, 45, 46). In the Court’s best judgment, an appeal from this Order cannot be taken in good faith. The Plaintiff’s motion to proceed *in forma pauperis* on appeal 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 \$505.00 appellate filing fee. Because the Plaintiff has stated that he cannot pay the \$505.00 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 \$505.00 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 \$505.00 has been paid. Checks should be made payable to "Clerk, U.S. District Court."

The Clerk of Court is **DIRECTED** to mail a copy of this Order to the custodian of the prison in which the Plaintiff is presently incarcerated. Any further requests to proceed *in forma pauperis* on appeal should be directed, on motion, to the United States Court of Appeals for the Eleventh Circuit, in accordance with Rule 24 of the Federal Rules of Appellate Procedure.

SO ORDERED this 11th day of July, 2014.

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