

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

DEBORAH HINES,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:14-CV-147 (MTT)
)	
Dr. NAZAIRE, et al.,)	
)	
Defendants.)	
)	

ORDER

On January 6, 2017, Plaintiff Hines, pro se, filed a notice of appeal (Doc. 103) of the Court’s entry of final judgment against her claims in this 42 U.S.C. § 1983 action (Doc. 102). She has filed a motion to proceed in forma pauperis on appeal. (Doc. 106). 28 U.S.C. § 1915(a)(3) sets forth the standard for appealing in forma pauperis: “An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” See also Fed. R. App. P. 24(a)(3)(A). “Good faith” means that an issue exists on appeal that is not frivolous under an objective standard. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); *Rudolph v. Allen*, 666 F.2d 519, 520 (11th Cir. 1982). The Court dismissed Hines’s claims because it found she had not exhausted her administrative remedies. See Docs. 55 at 5; 101 at 7. The Court’s conclusions were factual determinations under the second step of *Turner v. Burnside*, 541 F.3d 1077 (11th Cir. 2008). Doc. 101 at 2, 7. Having reviewed the record, the Court concludes that Plaintiff’s appeal is “without merit either in law or fact.” *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001). Therefore, the Court certifies that Plaintiff’s appeal is not taken in good faith.

If Hines wishes to proceed with her appeal, she must pay the entire \$505 appellate filing fee. Because Hines has stated that she cannot pay the fee immediately,

she must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to § 1915(b), the prison account custodian where Hines is confined shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month's income credited to Hines's account (to the extent the account balance exceeds \$10) until the \$505 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 custodian of the prison in which Plaintiff is incarcerated.

SO ORDERED, this 3rd day of March, 2017.

s/ Marc. T. Treadwell
MARC T. TREADWELL
UNITED STATES DISTRICT COURT