HINES v. NAZAIRE Doc. 67

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

DEBORAH HINES, :

:

Plaintiff, :

:

**VS.** :

: CIVIL No: 5:14-cv-0147-MTT-CHW

**DOCTOR NAZAIRE**, et al,

:

Defendants. :

## **ORDER**

Plaintiff Deborah Hines has filed a motion to proceed *in forma pauperis* on appeal from the Court's August 18, 2015, Order granting Defendants' Motion to Dismiss. After a review of Plaintiff's Motion (ECF No. 64), the Notice of Appeal (ECF No. 60), and the Order on the Defendants' Motion to Dismiss (ECF No. 55), the Court finds that Plaintiff's appeal cannot be taken in good faith. 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 Plaintiff wishes to proceed with her appeal, she must pay the entire \$505.00 appellate filing fee. Because Plaintiff has stated that she cannot pay the \$505.00 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 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 Plaintiff's account until the \$505.00 appellate

filing fee has been paid in full. These funds 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 Plaintiff is 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 26th day of October, 2015.

S/ Marc T. Treadwell

MARC T. TREADWELL, JUDGE

UNITED STATES DISTRICT COURT

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