

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

RICHARD C. TOLBERT,	:	
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
JOHN K. EDWARDS, <i>et al.</i> ,	:	NO. 7:05-CV-130(HL)
	:	
Defendants	:	<u>ORDER</u>

Plaintiff **RICHARD C. TOLBERT**, a pretrial detainee at the Lowndes County Jail in Valdosta, Georgia, has filed a motion to proceed *in forma pauperis* on appeal from the Court’s January 12, 2006, order that dismissed plaintiff’s *pro se* civil rights complaint under 42 U.S.C. § 1983. In the Court’s best judgment, an appeal from its orders cannot be taken in good faith. 28 U.S.C. § 1915(a)(3). Accordingly, having been carefully considered, plaintiff’s motion to proceed IFP on appeal is hereby **DENIED**.

If plaintiff wishes to proceed with his appeal, he must pay the entire \$255 appellate filing fee. Because plaintiff has stated that he cannot pay the \$255 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 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 \$255 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 until the total filing fee of \$255 has been paid. Checks should be made payable to “Clerk, U.S. District Court.”

SO ORDERED, this 7th day of February, 2006.

s/ Hugh Lawson _____
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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