

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

DAVID TATE,

Plaintiff

VS.

FRANK BLANTON,

Defendants

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CIVIL ACTION NO: 7:09-CV-142-HL

ORDER

Plaintiff **DAVID TATE** has filed a Notice of Appeal [Doc. 62], which as also been construed as a Motion to Proceed *in forma pauperis* on Appeal. The basis for Plaintiff's appeal is unclear, and in the Court's best judgment, an appeal cannot be taken in good faith. See 28 U.S.C. § 1915(a)(3). Thus, having been carefully considered, Plaintiff's Motion to Proceed *in forma pauperis* on Appeal is **DENIED**.

If Plaintiff wishes to proceed with his appeal, he must pay the entire \$ 455.00 appellate filing fee. Because Plaintiff 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 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 \$ 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 is accordingly **DIRECTED** to mail a copy of this Order to the custodian of the prison in which Plaintiff is incarcerated.

SO ORDERED AND DIRECTED this 29th day of November, 2011.

s/ Hugh Lawson

HUGH LAWSON, SENIOR JUDGE
UNITED STATES DISTRICT COURT

jlr