

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

CAREY LECELL ROSS, :
Plaintiff :
vs. :
Deputy Warden PHILBIN, *et al.*, : NO. 7:10-CV-140 (HL)
Defendants : **ORDER**

Plaintiff **CAREY LECELL ROSS**, an inmate at Valdosta State Prison (“VSP”), has filed a motion to proceed *in forma pauperis* on appeal from the Court’s December 21, 2010 order dismissing plaintiff’s *pro se* civil rights complaint under 42 U.S.C. § 1983 as frivolous. In the Court’s best judgment, an appeal from its order 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 \$455 appellate filing fee. Because plaintiff has stated that he cannot pay the \$455 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 \$455 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 \$455 has been paid. Checks should be made payable to “Clerk, U.S. District Court.”

A copy of this order shall be served upon plaintiff’s prison account custodian.

SO ORDERED, this 24th day of January, 2011.

s/ *Hugh Lawson*
HUGH LAWSON
SENIOR UNITED STATES DISTRICT JUDGE

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