

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

<p>JERMICHAEL PEARSON,</p> <p style="padding-left: 100px;">Plaintiff</p> <p style="text-align: center;">VS.</p> <p>Warden CEDRIC TAYLOR, <i>et al.</i>,</p> <p style="padding-left: 100px;">Defendants</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>NO. 7:13-CV-26 (HL)</p>
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: **ORDER**

Plaintiff **JERMICHAEL PEARSON**, an inmate at Augusta State Medical Prison, filed the instant action pursuant to 42 U.S.C. § 1983 (Doc. 1). By Orders dated May 30, 2014, the Court granted Defendants’ dispositive motions (Docs. 85 & 86), and final judgment was entered in favor of the Defendants on the same date (Doc. 87). On July 21, 2014, the Court received a document entitled “Plaintiff’s Supplemental Appendix to Material Facts,” that, among other things, appeared to seek to alter or amend the judgment entered in this case (Doc. 92). By Order dated November 10, 2014 (Doc. 98), the Court accepted the Magistrate Judge’s Recommendation (Doc. 97) that Plaintiff’s purported motion to alter or amend judgment be denied. On December

5, 2014, Plaintiff filed a Notice of Appeal (Doc. 104) “from the final judgment entered in this action on 11/10/14” and on January 21, 2015, he moved to proceed *in forma pauperis* on appeal (Doc. 113).

In the Court’s best judgment, an appeal from its Order cannot be taken in good faith. Accordingly, Plaintiff’s motion to proceed *in forma pauperis* on appeal is hereby **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 his appeal, he must pay the entire \$505.00 appellate filing fee. Because Plaintiff has stated that he cannot pay the fee immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to section 1915(b), Plaintiff’s custodian is hereby directed to remit to the Clerk of this Court each month twenty percent (20%) of the preceding month’s income credited to Plaintiff’s inmate account until the \$505.00 filing fee has been paid in full, provided the amount in the account exceeds \$10.00. 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 business manager at Plaintiff’s place of incarceration.

Any further requests to proceed *in forma pauperis* on appeal should be directed 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 28th day of January, 2015.

s/ Hugh Lawson

HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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