

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

JESSE BROWN,	:	
	:	
Plaintiff,	:	
	:	CIVIL NO. 7:14-CV-170-HL
v.	:	
	:	
BRIAN OWENS, <i>et al.</i> ,	:	
	:	42 U.S.C. § 1983
Defendants.	:	

ORDER

Plaintiff **Jesse Brown** filed a *pro se* civil rights complaint pursuant to 42 U.S.C. §1983.

On December 5, 2014, this Court dismissed the complaint without prejudice. Order, Dec. 5, 2014, ECF No. 10. Judgment was entered the same day. Plaintiff has now filed a Notice of Appeal and a Motion to Proceed *In Forma Pauperis* on Appeal from the Court's dismissal Order.

"An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3); *see also* Fed. R. App. P. 24(a)(3) (stating that "[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.") Here, Plaintiff's case was dismissed pursuant to the "three strikes" provision of 28 U.S.C. § 1915(g). In the Court's best judgment, an appeal from the Court's Order dismissing Plaintiff's case cannot be taken in good faith. Plaintiff's motion to proceed *in forma pauperis* on appeal (ECF No. 15) is accordingly **DENIED**.

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 filing fee 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 \$505.00 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 \$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 presently 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 Federal Rules of Appellate Procedure Rule 24.

SO ORDERED this 6th day of January, 2015.

s/ *Hugh Lawson*
HUGH LAWSON, SENIOR JUDGE

lws