

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

JARVIS BROWN

CIVIL ACTION

VERSUS

NO. 19-12432

ORLEANS PARISH SHERIFF  
OFFICE, ET AL.

SECTION "R" (1)

**ORDER AND REASONS**

Before the Court is Jarvis Brown's motion for reconsideration of this Court's denial of his motion to proceed *in forma pauperis* on appeal.<sup>1</sup> The Court previously denied Brown's motion because Brown had failed to provide the Court with financial documents to determine his pauper status.<sup>2</sup> Brown subsequently submitted the documents.<sup>3</sup> However, the Court again denies Brown's request to proceed *in forma pauperis* as the Court certifies his appeal is not taken in good faith. This is because the petitioner lacks an arguable basis for the appeal in either law or fact for the reasons given in the Court's Order and Reasons.<sup>4</sup>

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<sup>1</sup> R. Doc. 23.

<sup>2</sup> See R. Doc. 21.

<sup>3</sup> See R. Doc. 23.

<sup>4</sup> R. Doc. 9.

Although this Court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the applicant may challenge this finding pursuant to *Baugh v. Taylor*, 117 F. 3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U. S. Court of Appeals for the Fifth Circuit, within 30 days of this Order. The cost to file a motion to proceed on appeal with the Fifth Circuit is calculated below, and if the appellant moves to proceed on appeal *in forma pauperis*, the prison authorities will be directed to collect the fees as calculated in this Order.

Because Brown's financial documents demonstrate he has an account balance of zero, and because he has had no deposits in the last six months, petitioner is not assessed an initial filing fee. But although Brown is not assessed an initial filing fee, should he proceed with his appeal he shall pay the remainder of the \$505 filing fee in periodic installments. The appellant is required to make payments of 20% of the preceding month's income credited to the appellant's prison account until the appellant has paid the total filing fees of \$505. The agency having custody of the prisoner shall collect this amount from the trust fund account or institutional equivalent, when funds are available and when permitted by 28 U. S. C. § 1915(b)(2), and forward it to the clerk of the district court. If appellant moves to proceed on

appeal *in forma pauperis* before the Fifth Circuit Court of Appeals, the Court will order withdrawal of fees as calculated above.

New Orleans, Louisiana, this 2nd day of March, 2020.

  
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SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE