

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

RICKEY BARNES (#119466)

VERSUS

CIVIL ACTION

SGT. DAVID JOHNSON, ET AL

NUMBER 03-83-JJB-SCR

**SUPPLEMENTAL ORDER REGARDING MOTION TO PROCEED  
IN FORMA PAUPERIS ON APPEAL**

On December 6, 2010, the plaintiff's application for leave to proceed in forma pauperis on appeal was denied because the appeal is untimely and not taken in good faith.<sup>1</sup>

The order is supplemented herein to provide the following:

[X] 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 IFP 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 IFP, the prison authorities will be directed to collect the fees as calculated in this order.

[X] Rickey Barnes #119466 is assessed an initial partial fee of \$ 0.00. The agency having custody of the prisoner shall collect this amount from the trust fund account or institutional equivalent, when funds are available, and forward it to the clerk of the district court.

[X] Thereafter, the prison shall pay \$ 455.00, the balance of the filing fees, in periodic installments. The appellant is required to make payments of 20% of the

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<sup>1</sup> Record document number 281.

preceding month's income credited to the appellants's prison account until appellant has paid the total filing fees of \$455.00. 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 the appellant moves to proceed on appeal IFP, the clerk shall mail a copy of this order to the inmate accounting office or other person(s) or entity with responsibility for collecting and remitting to the district court interim filing payments on behalf of prisoners, as designated by the facility in which the prisoner is currently or subsequently confined.

Baton Rouge, Louisiana, December 8th, 2010.



JAMES J. BRADY  
UNITED STATES DISTRICT JUDGE