

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

SEAN MONROE (#294086)

VERSUS

CIVIL ACTION

N. BURL CAIN, ET AL

NUMBER 12-798-SDD-SCR

ORDER REGARDING MOTION TO PROCEED
IN FORMA PAUPERIS ON APPEAL

The Court has considered the Appellant's application for leave to proceed *in forma pauperis* on appeal, the certified trust fund account statement or institutional equivalent, and all consents and other documents required by the agency having custody of the Appellant to withdraw funds from the account¹.

The application for leave to proceed *in forma pauperis* on appeal pursuant to 28 U.S.C. § 1915 is DENIED for the following reason:

Pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the Court certifies that the appeal is not taken in good faith for the reasons set forth in the Magistrate Judge's reports.²

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 thirty (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*.

Sean Monroe (#294086) is assessed an initial partial fee of **\$11.91**. 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.

Thereafter, **Sean Monroe (#294086)** shall pay **\$493.09**, the balance of the filing fees, in periodic installments. The Appellant is required to make payments of 20% of the preceding month's income credited to the Appellants's prison account until Appellant has


¹Rec. Doc. 40.

²Rec. Docs. 19 and 35.

paid the total filing fees of \$505.00. 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 or deliver by electronic means 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 the 29 day of May, 2014.



SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA