

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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RICHARD JAMES SIMPSON,

Plaintiff,

Case No. 1:09-cv-824

v.

Honorable Paul L. Maloney

PRISON HEALTH SERVICES, INC. et al.,

Defendants.

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**ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* ON APPEAL**

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On September 28, 2009 (docket ##4, 5), the Court entered an opinion and order denying Plaintiff leave to proceed *in forma pauperis* because he has “three strikes” within the meaning of 28 U.S.C. § 1915(g). Plaintiff was directed to pay the filing fee within 30 days. He has not yet done so, but instead has filed a notice of interlocutory appeal and an application to proceed on appeal *in forma pauperis*.

For the reasons outlined in the Court’s memorandum opinion and order denying him pauper status in this Court based on § 1915(g), Plaintiff is barred from proceeding *in forma pauperis* on this appeal. Plaintiff has thirty days from the date of entry of this order to pay the entire filing fee for appealing a civil action, which is \$455.00, to the Clerk of this Court. Plaintiff’s failure to comply with this order may result in dismissal of this appeal without prejudice by the Sixth Circuit Court of Appeals.

Dated: October 20, 2009

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge

**SEND REMITTANCES TO THE FOLLOWING ADDRESS:**

Clerk, U.S. District Court  
399 Federal Building  
110 Michigan Street, NW  
Grand Rapids, MI 49503

**All checks or other forms of payment shall be payable to “Clerk, U.S. District Court.”**