

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

DARRYL A. ROBINSON #172898,

Plaintiff,

Case No. 1:13-cv-1047

v.

Honorable Robert J. Jonker

UNKNOWN YOUNG,

Defendant.

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 October 8, 2013, the Court issued an opinion and order (ECF Nos. 3, 4) denying Plaintiff leave to proceed *in forma pauperis* because he was barred by the “three-strikes” rule of 28 U.S.C. § 1915(g). Plaintiff was ordered to pay the full civil action filing fee within 28 days. Plaintiff failed to pay the filing fee in the required time period, and the Court dismissed the action on December 3, 2013, (ECF Nos. 5, 6). In the dismissal, the Court warned Plaintiff that should he file a notice of appeal, he would be required to pay the \$505.00 filing fee in a lump sum, because he is prohibited from proceeding *in forma pauperis* on appeal by § 1915(g).

Plaintiff filed his first notice of appeal on July 7, 2017, (ECF No. 8). The Court denied Plaintiff’s request for in forma pauperis status because of Plaintiff’s three strikes. (ECF No. 9). Plaintiff never paid the filing fee. The Sixth Circuit Court of Appeals dismissed the appeal; not because Plaintiff failed to pay the fee, but because Plaintiff filed the appeal more than three years after the judgment he was appealing. (ECF No. 13.)

Plaintiff has now filed a second notice of appeal, but, once again, has failed to submit the \$505.00 filing fee for an appeal. As outlined in the Court's opinion and order denying him pauper status based on § 1915(g), Plaintiff is barred from proceeding *in forma pauperis* on this appeal. Plaintiff has twenty-eight (28) days from the date of entry of this order to pay the entire filing fee for appealing a civil action, which is \$505.00, 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.

IT IS SO ORDERED.

Dated: September 14, 2017

/s/ Robert J. Jonker

Robert J. Jonker

Chief United States District Judge

SEND REMITTANCES TO:

Clerk, U.S. District Court
399 Federal Bldg.
110 Michigan St., N.W.
Grand Rapids, MI 49503

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