

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CANDIDO ORTIZ-MARTINEZ,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA,)
et al.,)
)
Defendants.)

No. 4:11CV00208 JCH

ORDER

This matter is before the Court on remand from the Eighth Circuit Court of Appeals to determine plaintiff's in forma status on appeal. On December 13, 2011, the Court ordered plaintiff to file a motion to proceed in forma pauperis on appeal and a copy of his prison account statement. Plaintiff has failed to comply with the order. As a result, this Court will not allow plaintiff to proceed in forma pauperis on appeal.

Accordingly,

IT IS HEREBY ORDERED that this Court will not allow plaintiff to proceed in forma pauperis on appeal.

IT IS FURTHER ORDERED that plaintiff shall, within thirty (30) days of the date of this Order, either pay the \$455 appellate filing fee or file a motion in the United States Court of Appeals for the Eighth Circuit for leave to proceed in forma pauperis.

IT IS FURTHER ORDERED that plaintiff shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

IT IS FURTHER ORDERED that the Clerk shall forward a copy of this order to the Eighth Circuit Court of Appeals.

Dated this 19th day of February, 2012.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE