Gassel v. Jones, MD Doc. 80

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHRISTOPHER GASSEL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:16-CV-1663 JAR
	)	
PAUL JONES, MD, et al.,	)	
	)	
Defendants.	)	

MEMORANDUM AND ORDER

Plaintiff moves for leave to proceed in forma pauperis on appeal. As plaintiff has shown that he is unable to pay the full filing fee, the Court will assess an initial partial filing fee of $1.00. *See Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997).[1]

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis on appeal [Doc. #78] is **GRANTED**.

IT IS FURTHER ORDERED that the plaintiff shall pay an initial filing fee of $1.00 within thirty (30) days of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an appellate proceeding.

Dated this 13th day of June, 2018.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

[1]Plaintiff moves to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Pursuant to § 1915(a)(2), when a prisoner is seeking to proceed in forma pauperis on appeal, he must submit a certified account statement for the six-month period immediately preceding the filing of the notice of appeal. Although plaintiff has submitted a certified copy of his account statement, it contains only three months of the six-month time period required by the statute, prior to the time he filed his notice of appeal on April 9, 2018. Therefore, the Court will assess an initial partial filing fee of $1.00 pursuant to *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997).

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