

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

STATE OF MISSOURI,

Plaintiff,

v.

JAMES L. BAKER¹,

Defendant.

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No. 4:17-CV-2743 RLW

MEMORANDUM AND ORDER

The Court of Appeals has remanded this action for determination of petitioner's in forma pauperis status and if appropriate, collection of the appellate filing fee. After reviewing petitioner's financial affidavit in support of his case, the Court finds that he does not have sufficient funds to pay the full appellate filing fee. As such, the Court will grant petitioner in forma pauperis status on appeal. *See* 28 U.S.C. § 1915. Petitioner will be assessed an initial partial filing fee of \$1.00 in accordance with *Henderson v. Norris*, 129 F.3d 481 (8th Cir. 1997).

Accordingly,

IT IS HEREBY ORDERED that petitioner must 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 22th day of December, 2017.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

¹James L. Baker is the defendant in his state criminal action filed in Sullivan County, Missouri. However, he is the petitioner in the present action in this Court.