

Plaintiff has failed to show why such assessment is incorrect. At the time plaintiff filed this case, his average inmate account balance was \$433.77.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of December 11, 2008, is adopted. [24] It is further

ORDERED that plaintiff's claims against defendant Olan Salzer are dismissed, pursuant to Rule 4(m), Federal Rules of Civil Procedure. It is further

ORDERED that plaintiff's remaining claims are dismissed, pursuant to the provisions of Rule 41(b), Federal Rules of Civil Procedure, for failure to comply with court orders. It is further

ORDERED that the pending motions in this case are denied as moot. [12, 16, 18, 28, 29, 31]

/s/ _____

NANETTE K. LAUGHREY
United States District Judge

Dated: _____
Jefferson City, Missouri