

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

STATE OF MISSOURI, ex rel., JEREMIAH W. )  
NIXON, Missouri Attorney General, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
KENNETH BAUMRUK, Register No. 1063274, )  
 )  
Defendant. )

No. 08-4274-CV-C-NKL

**ORDER**

On March 16, 2009, United States Magistrate Judge William A. Knox recommended dismissing defendant's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

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 March 16, 2009, is adopted. [10] It is further

ORDERED that defendant Baumruk's request to proceed in forma pauperis on his notice of removal is denied. [2] It is further

ORDERED that the motion to remand filed by the State of Missouri is granted and the State of Missouri's Petition for Incarceration Reimbursement is remanded to the Circuit Court of Cole County, Missouri. [6]



NANETTE K. LAUGHREY  
United States District Judge

Dated: 7-31-09  
Jefferson City, Missouri