

MIRA judgment specifically requires the pension monies to be paid to the inmate in his inmate account and does not direct payment to another).

To the extent plaintiff seeks to challenge generally the removal of monies from his inmate account, pursuant to the MIRA, the Eighth Circuit has specifically held that confiscation of money from the prisoner's inmate account, pursuant to the MIRA, does not rise to the level of a constitutional violation. Skinner v. Missouri, 215 Fed. Appx. 555 (8th Cir. 2007) (unpublished).

The issues raised in plaintiff's exceptions and amended complaint were adequately addressed in the report and recommendation. The court is persuaded 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 [6] the Report and Recommendation of October 22, 2009, is adopted. It is further

ORDERED that plaintiff's claims are dismissed, pursuant to 28 U.S.C. § 1915A, for failure to state a claim for which relief can be granted.

/s/ Scott O. Wright
SCOTT O. WRIGHT
Senior United States District Judge

DATED: December 29, 2009