

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

| | | |
|---------------------------------|---|----------------------|
| DARNELL WESLY MOON, |) | |
| Register No. 34077-044, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 09-4140-CV-C-NKL |
| |) | |
| MISSOURI DIVISION OF EMPLOYMENT |) | |
| SECURITY, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

On August 20, 2009, United States Magistrate Judge William A. Knox recommended dismissing plaintiff'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 August 20, 2009, is adopted. [6] It is further

ORDERED that plaintiff is denied leave to proceed in forma pauperis and his claims are dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(g). It is further

ORDERED that plaintiff's motion for reconsideration of assessment of an initial filing fee is denied as moot. [7]

/s/ _____

NANETTE K. LAUGHREY
United States District Judge

Dated: October 5, 2009
Jefferson City, Missouri