

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

KEITH RUSSELL JUDD,	:	
	:	
Plaintiff	:	
	:	
VS.	:	CIVIL ACTION NO. 5:11-CV-233 (CAR)
	:	
STATE OF GEORGIA, <i>et al.</i> ,	:	
	:	
Defendants	:	
_____	:	

ORDER

Plaintiff **KEITH RUSSELL JUDD** has filed a motion to proceed *in forma pauperis* on appeal (ECF No. 14) from the Court’s Order denying his motion to proceed *in forma pauperis* and dismissing his case without prejudice. (ECF No. 6). In the Court’s best judgment, an appeal from that Order cannot be taken in good faith. 28 U.S.C. § 1915(a)(3). As was noted in this Court’s Order (ECF No. 6), Plaintiff has accumulated more than three strikes under 28 U.S.C. § 1915(g).

The Prison Litigation Reform Act provides that a prisoner may not bring a civil action or **appeal** a civil judgment

if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.
28 U.S.C. § 1915(g).

Because Plaintiff has had more than three complaints and/or appeals dismissed as frivolous in the past and has made no showing of “imminent danger of serious physical injury,” his motion to proceed *in forma pauperis* on appeal is hereby **DENIED**.

If Plaintiff wishes to proceed with his appeal, he must pay the entire \$455.00 appellate filing fee. Because plaintiff has stated that he cannot pay the \$455.00 immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to §1915(b), the prison account custodian where plaintiff is incarcerated shall cause to be remitted to the Clerk of

this Court monthly payments of 20% of the preceding month's income credited to plaintiff's account until the \$455.00 appellate filing fee has been paid in full. Twenty percent of any deposits into the prisoner's account shall be withheld by the prison account custodian who, on a monthly basis, shall forward the amount withheld from the prisoner's account to the Clerk of this Court each time the amount in the account exceeds \$10.00 until the total filing fee of \$455.00 has been paid. Checks should be made payable to "Clerk, U.S. District Court."

SO ORDERED, this 28th day of October, 2011.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

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