

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DEWAYNE MIDDLETON (#116831)

CIVIL ACTION

VERSUS

CARL SMITH, ET AL.

NO. 21-00678-BAJ-RLB

RULING AND ORDER

Having previously determined that Plaintiff's claims lack legal and factual support and are subject to dismissal pursuant to the screening requirements of 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, (Doc. 10),

IT IS ORDERED that Plaintiff's **Motion To Proceed In Forma Pauperis On Appeal (Doc. 14)** be and is hereby **DENIED**.

Having denied Plaintiff's Motion, the Court further finds and certifies that pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3) Plaintiff's appeal is not taken in good faith.

WHEN PERMISSION TO APPEAL *IN FORMA PAUPERIS* IS DENIED BECAUSE THE COURT CERTIFIES THAT THE APPEAL IS NOT TAKEN IN GOOD FAITH, THE FOLLOWING SECTION SHALL BE COMPLETED.

Although this Court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the applicant may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal, within thirty (30) days of the date of this Order, with the Clerk of Court for the United States Court of Appeals for the Fifth Circuit. The cost to file a motion to proceed *in forma pauperis* on appeal with the Fifth Circuit is as calculated below, and if the appellant moves to proceed *in forma pauperis* in the Court of Appeals, prison authorities will be directed to collect the fees in accordance with the following calculation:

Appellant **DEWAYNE MIDDLETON (#116831)** is assessed an initial partial filing fee in the amount of **\$5.00**. The agency having custody of the appellant shall collect this amount from the appellant's trust fund account or institutional equivalent, when funds are available, and shall forward it to the Clerk of Court for the Middle District of Louisiana.

Thereafter, the appellant shall pay **\$500.00**, the remaining balance of the appellate filing fees, in periodic installments. The appellant is required to make payments of 20% of the preceding month's income credited to the appellant's prison account until the appellant has paid the total filing fees of **\$505.00**. The agency having custody of the appellant shall collect this amount from the appellant's trust fund account or institutional equivalent, when funds are available and when permitted by 28 U.S.C. § 1915(b)(2), and shall forward such amount to the Clerk of Court for the Middle District of Louisiana.

If the appellant moves to proceed *in forma pauperis* in the Court of Appeals, the Clerk of Court shall mail or deliver by electronic means a copy of this Order to the Plaintiff and to the Centralized Inmate Banking Section for the Louisiana Department of Public Safety and Corrections.

Baton Rouge, Louisiana, this 22nd day of November, 2022



JUDGE BRIAN A. JACKSON
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA