

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
OFFICE OF THE CLERK

ANN THOMPSON
CLERK OF COURT

REPLY TO:
400 East 9th Street
KANSAS CITY, MO. 64106

Re: Appeal for Civil Cases

Enclosed please find the judgment of the court in the above-styled matter.

In the event that you wish to file an appeal from this judgment, pursuant to the Prison Litigation Reform Act of 1996, you must do one of the following:

(1) immediately pay the full \$505.00 filing and docketing fees for the appeal to the district court clerk, or

(2) obtain permission from the district court to file the appeal in forma pauperis, make an initial partial payment of the filing and docketing fees, and then pay the remainder of the fees on an installment basis, or

(3) obtain permission from the district court to file the appeal in forma pauperis as a destitute person by proving that you have no assets.

These provisions apply even if you were allowed to file the complaint in this case in forma pauperis. In forma pauperis status does not carry over to the appeal. Before an appeal can be processed, you must select and follow through on one of the three steps listed above.

If you elect to pay the full fee, please submit a money order, check, or cash in the amount of \$505 with your notice of appeal to the district court. Checks and money orders should be made payable to: "Clerk of the United States District Court". Your case number must be included.

If you choose to proceed in forma pauperis and want permission to pay the fee with an initial partial payment and subsequent monthly installment payments, or if you wish to seek a waiver of the obligation to make an initial partial payment on the ground that you are destitute, you must do all of the following at the time you file your notice of appeal:

1. submit a motion for leave to appeal in forma pauperis, and
2. complete and submit the enclosed financial affidavit, and
3. provide a certified statement from the prison showing the amount in your prison trust fund account for the last 6 months

Once the district court clerk's office receives all of the above materials and your notice of appeal, the matter will be submitted to the district court for a decision as to whether you should be allowed to appeal in forma pauperis, and, if necessary, whether you are destitute.

In the event that you are granted leave to appeal in forma pauperis, you will be liable for the entire \$505.00 filing and docketing fees for the appeal. If you are not destitute, you will be required to pay the appeal fees through an initial partial payment and a series of monthly installment payments. The initial partial payment will be in an amount which is 20% of the greater of:

- (a) the average of the monthly deposits into your trust account during the last six months, or
- (b) the average of the monthly balance of your trust account during the past six months.

If you decide to proceed with an appeal and if you are granted leave to proceed in forma pauperis, the court will send you an order assessing your initial partial payment. You will then be liable for payment of the balance of the \$505 filing and docketing fees in monthly installments; for example, if the court assesses an initial partial payment of \$505, you will have to pay the remaining \$505 in monthly installments, regardless of the outcome of your appeal. Each monthly installment will be equal to 20% of your monthly income. By signing the attached "Authorization to Debit Trust Account to Pay Federal Court Filing Fees," you agree to make these monthly payments until the entire \$505 has been paid.

The obligation to make an initial partial payment of the \$505 appeal filing and docketing fees can be waived only if the court enters an order finding that you are destitute. If you are granted leave to proceed in forma pauperis and are found to be destitute, you will still be liable for the entire \$505 fee. Your case will be allowed to proceed, however, without any initial payment. When funds become available in your account, you will then be liable to pay the full \$505 fee on an installment plan.

These new procedures are a significant change in the law; under the previous provisions of 28 U.S.C. § 1915, a finding that you were entitled to proceed in forma pauperis meant that no fee would be assessed. Under the new provisions of the Prison Litigation Reform Act, a finding that you should be permitted to proceed in forma pauperis means that you must pay the entire fee, either through the partial initial payment and a series of installment payments or through payments at a later date if you are currently destitute.

If you choose to file an appeal, please comply with these directions. **Your appeal cannot be processed and sent to the court of appeals unless you either pay the full fee or obtain leave to appeal in forma pauperis.**

You must comply with the procedures and filing deadlines set forth in Fed. R. App. P. 4, or your appeal may be dismissed as untimely.

If you have any questions, please contact our office.