

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

CLARENCE GANAWAY,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee.

2013-5031

Appeal from the United States Court of Federal
Claims in No. 12-CV-0654, Judge Francis M. Allegra.

ON MOTION

O R D E R

Clarence Ganaway moves for leave to proceed in forma pauperis and to reinstate his appeal, previously dismissed for failure to pay the fee.

Ganaway is incarcerated. Pursuant to the Prisoner Litigation Reform Act of 1995, this court may not authorize the prosecution of an appeal by a prisoner without the prepayment of fees. 28 U.S.C. § 1915. A prisoner is no

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longer afforded the alternative of proceeding without payment of filing fees, but must, in time, pay the \$455 filing fee in its entirety. When funds exist, an initial partial payment must be made consisting of 20% of the greater of (a) the average monthly deposits to the prisoner's account or (b) the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the notice of appeal. 28 U.S.C. § 1915(b)(1). Thereafter, the prisoner is required to make monthly payments of 20% of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b)(2). The agency with custody of the prisoner must forward payments from the prisoner's account each time the amount in the account exceeds \$10 until the \$455 filing fee is paid in full. *Id.*

By separate letter, the custodian of Ganaway's prison account is being directed to make the necessary arrangements to forward the filing fee to the court.

Accordingly,

IT IS ORDERED THAT

(1) Mr. Ganaway's motion to proceed in forma pauperis is denied.

(2) The motion to reinstate is granted. The mandate is recalled, the court's dismissal order is vacated, and the appeal is reinstated.

(3) Mr. Ganaway's informal brief (form enclosed) shall be due within 21 days of the date of filing of this order.

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FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk

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