

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-5079

QIAN IBRAHIM ZHAO.,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims in case no.
09-CV-463, Judge Charles F. Lettow.

ON MOTION

ORDER

Qian Ibrahim Zhao moves for leave to proceed in forma pauperis, for an extension of time to file his informal brief and his motion for leave to proceed in forma pauperis, and for "available materials." The United States has not responded.

Zhao 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 longer afforded the alternative of proceeding without payment of filing fees, but must, in time, pay the \$450 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 \$450 filing fee is paid in full.
Id.

By separate letter, the custodian of Zhao'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) Zhao's motion to proceed in forma pauperis is denied.
- (2) Zhao's motions for extensions of time are granted. Zhao's informal brief is due within 30 days of the date of filing of this order.
- (3) Zhao's motion for "available materials" is denied.

FOR THE COURT

MAR 26 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Qian Ibrahim Zhao (informal brief form enclosed)
Douglas G. Edelschick, Esq.

S20

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

MAR 26 2010

JAN HORBALY
CLERK