

NOTE: This order is nonprecedential.

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

ART WALTERS,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee.

2010-5114

Appeal from the United States Court of Federal
Claims in case no. 10-CV-128,, Judge Edward J. Damich.

ON MOTION

ORDER

Art Walters submits correspondence that the court treats as a motion to reinstate this appeal and for a default judgment.

Walters' appeal was dismissed on May 24, 2010 for failure to pay the filing fee. Walters has not paid the filing fee or submitted a motion for leave to proceed in forma pauperis in this appeal. Walters states that he was granted in forma pauperis status by the United States District Court for the Eastern District of Pennsylvania in

a separate case. However, if he seeks to proceed in forma pauperis in this appeal, he must first file an in forma pauperis motion in the United States Court of Federal Claims. *See* Fed. R. App. P. 24.

With respect to Walters' request for default judgment, if he promptly pays the fee or is granted in forma pauperis status, and if the appeal is reinstated, Walters should include any arguments concerning the merits of his case in his brief.

Accordingly,

IT IS ORDERED THAT:

The motions are denied.

FOR THE COURT

JUN 15 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Art Walters
Karen Goff, Esq.

s17

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

JUN 15 2010

JAN HORBALY
CLERK