

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-7040

LARRY E. BELTON, SR.,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in case no. 09-1441,
Judge Mary J. Schoelen.

ON MOTION

Before MOORE, Circuit Judge.

ORDER

Larry E. Belton, Sr. moves for leave to proceed in forma pauperis. The Secretary of Veterans Affairs has not responded.

Belton 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 Belton'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) Belton's motion to proceed in forma pauperis is denied.
- (2) Belton's informal brief is due within 30 days of the date of filing of this

order.

FOR THE COURT

FEB 26 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Larry E. Belton, Sr. (informal brief form enclosed)
Elizabeth A. Speck, Esq.

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

FEB 26 2010

JAN HORBALY
CLERK