

NOTE: This order is nonprecedential.

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

JEFFREY R. BERRY,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee.

2012-5022

Appeal from the United States Court of Federal
Claims in case no. 11-CV-618, Judge Thomas C. Wheeler.

ON MOTION

O R D E R

Jeffrey R. Berry moves for leave to proceed in forma pauperis.

Berry 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 Berry's prison account is being directed to make the necessary arrangements to forward the filing fee to the court.

Accordingly,

IT IS ORDERED THAT

Berry's motion to proceed in forma pauperis is denied.

JAN 09 2012

Date

FOR THE COURT

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Jeffrey R. Berry
Joshua E. Kurland, Esq.

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

JAN 09 2012

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JAN HORBALY
CLERK