

NOTE: This order is nonprecedential.

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

ANTHONY G. HUNT,
Claimant-Appellant,

v.

**ERIC K. SHINSEKI, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2012-7039

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 09-4707, Judge Lawrence B.
Hagel.

ON MOTION

Before BRYSON, MAYER, and LINN, *Circuit Judges.*

PER CURIAM.

O R D E R

Anthony G. Hunt moves for reconsideration and re-
quests rehearing en banc in response to this court's Feb-

ruary 9, 2012 order concerning his motion for leave to proceed in forma pauperis.

Hunt argues that this court's order denying his motion for leave to proceed in forma pauperis denies him due process because he cannot pay the fee. This court's order, however, did not require Hunt to pay the fee before his appeal can proceed. Instead, the order states that as a prisoner, Hunt may proceed with his appeal, but pursuant to 28 U.S.C. § 1915, he must pay the fee over time when funds in his prisoner account become available.

Specifically, 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). This court's order further noted that 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.

To the extent that Hunt elects not to pay the fee, he may move to dismiss his appeal.

Accordingly,

IT IS ORDERED THAT

- (1) The panel denies the motion for reconsideration.
- (2) The request for en banc review shall be circulated to the full court for its review along with a copy of this order.

FOR THE COURT

APR 02 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Anthony G. Hunt
Daniel B. Volk, Esq.

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

APR 02 2012

JAN HORBALY
CLERK