

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

LENNY DEAN LOWRY,

Plaintiff,

v.

CASE NO. 05-3430-SAC

R. HONEYCUTT, et al.,  
Defendants.

O R D E R

This is a civil rights action filed pursuant to 42 U.S.C. 1983. This action was dismissed and all relief denied by Memorandum and Order entered on March 22, 2006. Plaintiff has filed a Notice of Appeal (Doc. 6) from the order of dismissal and has not paid the appellate filing fee of \$255. At the commencement of this action, plaintiff was assessed and paid an initial partial district court filing fee and was granted leave to proceed in forma pauperis. Under 28 U.S.C. 1915(b)(1), he remains obligated to pay the full \$250 district court filing fee<sup>1</sup> by making periodic payments from his inmate trust fund account as detailed in 28 U.S.C. 1915(b)(2).

Because plaintiff has not yet satisfied the district court filing fee obligation, the court grants plaintiff leave to proceed in forma pauperis on appeal without payment of an initial partial filing fee. Any funds advanced to the court by plaintiff must first be applied to plaintiff's outstanding fee obligation. However, once the prior district court fee obligation has been satisfied, plaintiff's payments toward the

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<sup>1</sup> Plaintiff currently owes \$143.50 on his district court fee.

\$255 appellate court filing fee in this matter will commence and will be calculated according to 28 U.S.C. 1915(b)(2). Plaintiff is directed to cooperate with his custodian and any future custodian to authorize the disbursement of funds to satisfy these payments. The Finance Officer of the facility where plaintiff is housed will be advised by a copy of this order of these assessments.

**IT IS THEREFORE BY THE COURT ORDERED** that plaintiff is granted leave to proceed in forma pauperis on appeal. Plaintiff's payments will continue as directed until plaintiff satisfies the balance of the district court filing fee assessed in this matter and the appellate filing fee of \$255.

Copies of this order shall be mailed to plaintiff, to the Finance Officer where plaintiff is currently confined, and to the Clerk of the United States Court of Appeals for the Tenth Circuit.

**IT IS SO ORDERED.**

Dated this 13th day of April, 2006, at Topeka, Kansas.

s/Sam A. Crow  
U. S. Senior District Judge