

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JUNG SIK KIM,

Plaintiff,

v.

CASE NO. 06-3013-SAC

STATE OF KANSAS, 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 April 20, 2006. Plaintiff has filed a Notice of Appeal (Doc. 11) from the order of dismissal and has not paid the appellate filing fee of \$455.00<sup>1</sup>.

At the commencement of this action in district court, plaintiff 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 \$250.00 district court filing fee<sup>2</sup> by making periodic payments from his inmate trust fund account as detailed in 28 U.S.C. 1915(b)(2).

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1

Effective April 9, 2006, the appellate filing fee was increased to \$455.00. The Notice of Appeal is dated May 10, 2006.

2

Plaintiff currently owes \$100.00 on his district court filing fee in this case. He owes \$105.94 on the district court filing fee in his prior case No. 03-3134.

The court directed collection action of the remainder of the \$250.00 filing fee in this case to commence upon plaintiff's satisfaction of his outstanding fee obligation in prior Case No. 03-3134. Because plaintiff has not yet satisfied these fee obligations, 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 obligations. Plaintiff's payments toward the \$455.00 appellate court filing fee in this matter will commence upon satisfaction of the earlier fee obligations 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 (Doc. 11). Plaintiff's payments will continue as directed until plaintiff satisfies the balance of the district court filing fee owing in Case No. 03-3134 and in this matter, and the appellate filing fee of \$455.00.

Copies of this order shall be mailed to plaintiff, to the Finance Officer where plaintiff is incarcerated, and to the

Clerk of the United States Court of Appeals for the Tenth  
Circuit.

**IT IS SO ORDERED.**

Dated this 17th day of May, 2006, at Topeka, Kansas.

s/Sam A. Crow

U. S. Senior District Judge