UNITED STATES DISTRICT COURT

Robert L. Phelps
Clerk of Court

Northern District of Iowa
111 7th Avenue SE, Box 12
Cedar Rapids, Iowa 52401

Phone: 319-286-2300

PLEASE READ CAREFULLY

Enclosed is a copy of the court's order and judgment disposing of the above-captioned matter.

In the event you wish to pursue this matter further by appealing the district court's decision to the Eighth Circuit Court of Appeals, you should be aware that Congress has made substantial modifications to 28 U.S.C. § 1915 dealing with the payment of filing fees, which are applicable to that appeal, in the PRISONER LITIGATION REFORM ACT, effective April 26, 1996.

> First, in In re Tyler, 110 F.3d 528, 529-30 (8th Cir. 1997), the Eighth Circuit has held that **you will become liable for payment of the $505.00 filing fee "at the moment" the notice of appeal is filed in the district court.** This fee is in addition to the fee which previously has been assessed in the district court and is assessed regardless of the outcome of the appeal.

Therefore, you have two (2) options with respect to satisfying the appellate filing fee. Specifically, you may either pay the entire fee of $505.00 at the time you file the notice of appeal, or you may seek leave of the district court to file the appeal *in forma pauperis*. If you choose to proceed *in forma pauperis*, you should be aware that:

1. By filing a notice of appeal in the district court, you consent to the deduction of the initial partial appellate filing fee and the remaining installments from your prison account by prison officials. The attached authorization form permitting the deductions from your prison account must be submitted with your application to proceed on appeal *in forma pauperis*.

2. You are required to submit to the clerk of the district court a motion to proceed on appeal *in forma pauperis* and a certified copy of your prison account for the last six (6) months within thirty (30) days of the filing of the notice of appeal.

3. If you fail to file the prison account information within the time provided, the court will assess an initial partial appellate fee of $35.00 or such other amount as is reasonable, based on whatever information the court has about your finances.

Once the district court clerk's office receives all of the above materials and your notice of appeal, the matter will be submitted to the district court for a decision as to whether you should be allowed to appeal *in forma pauperis*. If you are granted leave to appeal *in forma pauperis*, the court will send you an order assessing your initial partial payment. You will be liable for payment of the balance of the $505.00 appeal fee in monthly installments, **regardless** of the outcome of your appeal.

If you choose to file an appeal, please comply with these directions regarding your filing fee obligations. **Your appeal cannot be processed and sent to the court of appeals unless you either pay the full filing fee or obtain leave to appeal *in forma pauperis***. In addition, please note that this letter deals only with the filing fee requirements. You must also comply with the applicable rules relating to the time and manner for perfecting your appeal.

Robert L. Phelps, Clerk
United States District Court

Enclosure

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
_____ DIVISION

Plaintiff(s),	CASE NO. _____
vs.	APPLICATION TO APPEAL IN FORMA PAUPERIS
Defendant(s).	

I, _____ declare that I am the Plaintiff in the above-entitled proceeding; that in support of my request to proceed without being required to pay the full filing fee, I state that because of my poverty, I am unable to pay the full $505.00 filing fee for this appeal; and that I believe I am entitled to relief.

1. Where are you imprisoned?
   _____

2. When did you begin your imprisonment there? _____

3. When do you expect to be released? _____

4. Are you presently receiving an allowance or wage from the prison or jail?
   ☐ Yes ☐ No

   If the answer is YES, state the amount f your allowance or wages per month. _____

5. Within the past twelve (12) months, have you received any money from a business, profession or other type of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity, gifts, inheritances, court award or settlement, or other sources?
   ☐ Yes ☐ No

   If YES, give the amount received and identify the sources.
   _____

6. What is the current balance in your prison account?_____

7. Do you own cash, or do you have money in a checking or savings account, other than a prison account: ☐ Yes ☐ No

   If YES, state the current balance: _____

8. Do you own any real estate, stocks, bonds, notes, vehicles, or other valuable property (you need not mention ordinary household and cell furnishings such as radios, TV sets, stereo, books, etc., and personal clothing? ☐ Yes ☐ No

   If YES, describe the property and state is approximate value:

   _____

I hereby authorize officials of the institution where I am incarcerated to release my financial records to the court. My identification number at the institution is, _____ . I declare under penalty of perjury that I have read the foregoing and it is true, complete and correct.

Signed this _____ day of _____, 20_____.

_____
Signature of Plaintiff

AUTHORIZATION TO DEBIT PRISON-INMATE ACCOUNT TO PAY FEDERAL COURT FILING FEES

I,_____ , Inmate # _____ request and authorize the agency holding me in custody to disburse funds in an amount not to exceed $505.00 from my inmate account to the Clerk of the United States District Court, Northern District of Iowa, for the purpose of paying the initial partial filing fee and subsequent installment payments for an appeal in my case number C_____ (APPEAL), entitled:

_____ vs. _____

I understand that the total filing fee for this appeal is $505.00. I also understand that, after payment of my initial partial filing fee, the balance of the fee will be deducted from my account in monthly installments until the entire $505.00 fee is paid. The monthly installments will be equal to twenty percent (20%) of the funds deposited to my account during the preceding calendar month. I agree that I am responsible for the entire fee, regardless of the outcome of my case.

I agree that this authorization shall apply to any other agency into whose custody I may be transferred.

DATED this_____day of _____ , 20_____

_____

(Signature of Plaintiff)

CERTIFICATION OF INMATE ACCOUNT AND ASSETS

I certify that the applicant, _____,
ID #_____ has the sum of $_____ on account to his/her credit at the
_____ institution where he/she is confined.

I further certify that the applicant likewise has the following securities to his/her credit according to the records of said institution:

_____

_____

I further certify that, during the last six months, the applicant's average inmate account balance was $_____ and the past six-month average monthly deposit amount to the inmate account is $ _____ .

Based on the above inmate account balance: (check the appropriate response)

_____ The applicant has sufficient funds in his/her account to pay the $505.00 filing fee; or

_____ The applicant has insufficient funds in his/her account to pay the $505.00 filing fee at this time. I calculate that twenty percent (20%) of the greater of:

a. The average monthly deposits to his/her prison account is $ _____ ; or

b. The average monthly balance in his/her prison account for the six-month period immediately preceding the filing of this action is $ _____, for the purpose of an initial partial filing fee.

After payment of the initial partial filing fee, this office will forward twenty percent (20%) of the applicant's previous month's income as monthly payments from his/her prison account to the Clerk of Court each time the amount in the account exceeds $10.00, until the filing fee is paid in full.

Signed this _____day of _____ , 20_____ .

_____
Authorized Officer of Institution