

**UNITED STATES COURT OF APPEALS
for the
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 29th day of November, two thousand and eighteen,

Michael Clark,

Respondent - Appellant,

v.

Northern District of New York,

Appellee.

ORDER

Docket Number: 18-3040


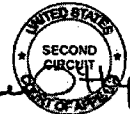
A notice of appeal was filed on October 16, 2018. The filing fee of \$505.00 was due to be paid to the district court by October 31, 2018. The case is deemed in default.

Instructions for moving for *in forma pauperis* status are provided in the Court's instructions entitled "*How to Appeal a Civil Case in the United States Court of Appeals for the Second Circuit*". The manual and the forms required to file the motion are enclosed with this order. They are also available on the Court's website www.ca2.uscourts.gov.

IT IS HEREBY ORDERED that the appeal is dismissed effective **December 20, 2018** unless by that date appellant either pays the fee in full, moves for *in forma pauperis* status in district court or, if district court has denied *in forma pauperis* status, moves in this Court for *in forma pauperis* status. If appellant has filed the motion in district court and the motion is pending, appellant must so advise this Court in writing by the same date.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

PACER fee: Exempt

**General Docket
Court of Appeals, 2nd Circuit**

Court of Appeals Docket #: 18-3040 Nature of Suit: 3440 CIVIL RIGHTS-Other In Re: Michael Clark Appeal From: NDNY (ALBANY) Fee Status: IFP Pending in USCA	Docketed: 10/16/2018 Termed: 01/09/2019
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Case Type Information:

- 1) Civil
- 2) Private
- 3) -

Originating Court Information:

District: 0206-1 : 16-pf-1
Trial Judge: Glenn T. Suddaby, U.S. District Judge
Date Filed: 12/06/2016
Date Order/Judgment: 10/02/2018

Date Order/Judgment EOD:
 10/02/2018

Date NOA Filed:
 10/12/2018

Date Rec'd COA:
 10/16/2018

Prior Cases:

16-4332 **Date Filed:** 12/30/2016 **Date Disposed:** 03/08/2017 **Disposition:** Dismissed/frivolous
18-666 **Date Filed:** 03/08/2018 **Date Disposed:** 04/24/2018 **Disposition:** Fee default

Current Cases:

None

Panel Assignment: Not available

Michael Clark
 Respondent - Appellant

Michael Clark, -
 [NTC Pro Se]
 Apt: 40
 504 Central Avenue
 Albany, NY 12206-2261

Northern District of New York
 Appellee

Karen Folster Lesperance, Esq., -
 [COR NTC US Attorney]
 United States Attorney's Office for the Northern District of New York
 445 Broadway
 James T. Foley United States Courthouse
 Albany, NY 12207

Michael Clark,

Respondent - Appellant,

v.

Northern District of New York,

Appellee.

10/16/2018	<input type="checkbox"/> <u>1</u> 7 pg, 172.52 KB	NOTICE OF CIVIL APPEAL, with district court docket, on behalf of Appellant Michael Clark, FILED. [2411886] [18-3040] [Entered: 10/17/2018 09:36 AM]
10/16/2018	<input type="checkbox"/> <u>2</u> 4 pg, 84.44 KB	DISTRICT COURT TEXT ORDER, at docket entry #17, dated 10/02/2018, RECEIVED.[2411903] [18-3040] [Entered: 10/17/2018 09:44 AM]
10/16/2018	<input type="checkbox"/> <u>3</u> 5 pg, 93.78 KB	ELECTRONIC INDEX, in lieu of record, FILED.[2411904] [18-3040] [Entered: 10/17/2018 09:45 AM]
10/17/2018	<input type="checkbox"/> <u>4</u> 1 pg, 9.24 KB	INSTRUCTIONAL FORMS, to Pro Se litigant, SENT.[2411908] [18-3040] [Entered: 10/17/2018 09:46 AM]
10/22/2018	<input type="checkbox"/> <u>6</u>	ACKNOWLEDGMENT AND NOTICE OF APPEARANCE FORM, on behalf of Party Michael Clark, FILED. Service date 10/19/2018 by US mail.[2416202] [18-3040] [Entered: 10/23/2018 12:06 PM]
10/22/2018	<input type="checkbox"/> <u>7</u>	FORM D-P, on behalf of Appellant Michael Clark, FILED. Service date 10/19/2018 by US mail.[2416205] [18-3040] [Entered: 10/23/2018 12:06 PM]
10/22/2018	<input type="checkbox"/> <u>8</u>	LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellant Michael Clark, informing Court of proposed due date 01/16/2019, RECEIVED. Service date 10/19/2018 by US mail.[2416206] [18-3040] [Entered: 10/23/2018 12:07 PM]
10/22/2018	<input type="checkbox"/> <u>9</u>	MOTION, to proceed in forma pauperis, on behalf of Appellant Michael Clark, FILED. Service date 10/19/2018 by US mail.[2416209] [18-3040] [Entered: 10/23/2018 12:08 PM]
10/23/2018	<input type="checkbox"/> <u>10</u> 2 pg, 17.79 KB	DEFECTIVE DOCUMENT, Acknowledgment and Notice of Appearance, Form D-P, LR 31.2 Scheduling Notificaton and the Motion, to proceed in forma pauperis, [6], [7], [8], [9], on behalf of Appellant Michael Clark, copy to pro se, FILED.[2416216] [18-3040] [Entered: 10/23/2018 12:10 PM]
10/30/2018	<input type="checkbox"/> <u>11</u> 2 pg, 125.42 KB	NOTICE OF APPEARANCE AS SUBSTITUTE COUNSEL, on behalf of Appellee Northern District of New York, FILED. Service date 10/30/2018 by US mail. [2421196] [18-3040] [Entered: 10/30/2018 09:14 AM]
10/30/2018	<input type="checkbox"/> <u>12</u>	ATTORNEY, Karen Folster Lesperance, [11], in place of attorney Steven David Clymer, SUBSTITUTED. [2421506] [18-3040] [Entered: 10/30/2018 11:51 AM]
10/31/2018	<input type="checkbox"/> <u>13</u> 2 pg, 126.7 KB	ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of Appellee Northern District of New York, FILED. Service date 10/31/2018 by US mail.[2422557] [18-3040] [Entered: 10/31/2018 10:57 AM]
11/29/2018	<input type="checkbox"/> <u>16</u> 1 pg, 36.72 KB	STRIKE ORDER, striking Appellant Michael Clark's Acknowledgment and Notice of Appearance, Form D-P, LR 31.2 Scheduling Notification and the Motion to proceed in forma pauperis, [6], [7], [8], [9] from the docket, copy to pro se Appellant, FILED.[2444421] [18-3040] [Entered: 11/29/2018 10:47 AM]
11/29/2018	<input type="checkbox"/> <u>17</u> 1 pg, 39.58 KB	ORDER, dated 11/29/2018, dismissing appeal by 12/20/2018, unless Appellant Michael Clark, submits fee or moves for in forma pauperis, copy to pro se Appellant, FILED.[2444436] [18-3040] [Entered: 11/29/2018 10:51 AM]
11/29/2018	<input type="checkbox"/> <u>18</u> 1 pg, 36.57 KB	ORDER, dated 11/29/2018, dismissing appeal by 12/20/2018, unless Appellant Michael Clark, submits Form D-P, copy to pro se Appellant, FILED.[2444446] [18-3040] [Entered: 11/29/2018 10:55 AM]
11/29/2018	<input type="checkbox"/> <u>19</u> 1 pg, 36.73 KB	ORDER, dated 11/29/2018, dismissing appeal by 12/20/2018, unless Appellant Michael Clark, submits an Acknowledgment and Notice of Appearance, copy to pro se Appellant, FILED.[2444464] [18-3040] [Entered: 11/29/2018 10:59 AM]
01/09/2019	<input type="checkbox"/> <u>22</u> 1 pg, 9.05 KB	NEW CASE MANAGER, Atasha Joseph, ASSIGNED.[2471497] [18-3040] [Entered: 01/09/2019 04:15 PM]
01/09/2019	<input type="checkbox"/> <u>23</u>	ORDER, [17] appeal dismissed for Appellant Michael Clark failure to pay fee, EFFECTIVE.[2471512] [18-3040] [Entered: 01/09/2019 04:21 PM]
01/31/2019	<input type="checkbox"/> <u>24</u> 1 pg, 531.78 KB	CERTIFIED COPY OF ORDER, dated 11/29/2018, determining the appeal to NDNY, copy sent to pro se appellant, ISSUED.[Mandate][2486239] [18-3040] [Entered: 01/31/2019 10:08 AM]

**Additional material
from this filing is
available in the
Clerk's Office.**