

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

MICHAEL ANDREW JOHNSON
ADC #110504

PLAINTIFF

V.

NO. 4:21-cv-00488-LPR-ERE

DEXTER PAYNE, *et al.*

DEFENDANTS

ORDER

Pending is Michael Andrew Johnson's motion for leave to appeal *in forma pauperis* (IFP). *Doc. 117*. A party who is permitted to proceed IFP in district court may proceed on appeal IFP without further authorization, unless the district court has certified that the appeal would not be taken in good faith. FED. R. APP. P. 24(a)(3)(A). In this case, the Court granted Mr. Johnson's request to proceed IFP in district court on August 2, 2021. *Doc. 10*.

It is entirely unclear from Mr. Johnson's Notice of Appeal, *Doc. 114*, what order(s), if any, Mr. Johnson is currently attempting to appeal. The most likely result of an appeal at this point is a dismissal on jurisdictional grounds. However, out of an over-abundance of caution, and because the allegations in this case (although lacking in evidentiary support) are about serious matters, I will GRANT Mr. Johnson's motion for leave to appeal IFP.

A prisoner who is permitted to file an appeal IFP still must pay the appellate filing fee. Method and timing of payment are the only issues to be resolved. *Henderson v. Norris*, 129 F.3d 481, 483 (8th Cir. 1997); FED. RULE APP. P. 3(e). Based on information contained in a certified copy of Mr. Johnson's inmate trust fund account, the Court will assess an initial partial fee of \$25.01. Mr. Johnson's custodians are obligated to collect the initial partial payment immediately. In addition, his custodians are instructed to collect the entire \$505.00 appellate filing fee by deducting 20% of the preceding month's income credited to Mr. Johnson's prison trust account

e.g., Appendix A
VII.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 22-1695

Michael Andrew Johnson

Plaintiff - Appellant

v.

Dexter Payne, Director, Arkansas Department of Correction; William Straughn, Chief Deputy Director, Arkansas Department of Correction; Benny Magness, Board of Correction, Arkansas Department of Correction; Jared Byers, Warden, Maximum Security Unit; Claudia Harris, Assistant Warden, Maximum Security Unit; Jeffery Deen, Major, Maximum Security Unit; Shipman, Warden, Maximum Security Unit; Shelby Houston, Lieutenant; Andy Shock; Wendy Kelley

Defendants - Appellees

Appeal from U.S. District Court for the Eastern District of Arkansas - Central
(4:21-cv-00488-LPR)

JUDGMENT

Before COLLOTON, GRUENDER, and KOBES, Circuit Judges.

The court has carefully reviewed the original file of the United States District Court and orders that this appeal be dismissed for lack of jurisdiction.

April 06, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

e.g., Appendix B

VII.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 22-1695

Michael Andrew Johnson

Appellant

v.

Dexter Payne, Director, Arkansas Department of Correction, et al.

Appellees

Appeal from U.S. District Court for the Eastern District of Arkansas - Central
(4:21-cv-00488-LPR)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

May 17, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

eq., Appendix I
VII