

### GENERAL INFO 3 | PAYMENT OF FEES

For appeals from the District Court, the docketing and filing fees are paid at the District Court where the notice of appeal was filed.

**If you cannot afford to pay the fees,** you may file a motion to proceed without payment of fees, called a motion to proceed *in forma pauperis*. A financial affidavit, including a statement by you swearing under penalty of perjury that you do not have enough money or other assets to pay the fees, must be included with your motion. (See *Forms* at the end of this document)

**If you do not pay the filing fees or file a motion to proceed *in forma pauperis*, your case will be dismissed.** 11th Cir. R. 42-1(b).

- The motion to proceed *in forma pauperis* may be denied if the Court determines that -
  - the allegation of poverty is untrue; or
  - the action or appeal -
    - o is frivolous or malicious,
    - o fails to state a claim on which relief may be granted, or
    - o seeks monetary relief against a defendant who is immune from such relief

If the motion is denied, you must pay the fees or your case will be dismissed. FRAP 24.

- If your motion to proceed *in forma pauperis* is granted, you do not need to pay the filing fees, unless you are a prisoner in a civil (non-habeas corpus) appeal, in which case you will be required to pay the entire \$505.00 filing and docketing fee when funds exist in your prison account. 28 U.S.C. § 1915(b).

- **If you are incarcerated,** the Court will notify you of your obligations under this statute [28 U.S.C. § 1915(b)] and will require you to complete and return an authorization form to allow prison officials to deduct the funds from your account on a monthly basis.



- **All** litigants proceeding *in forma pauperis* still have to pay for other expenses of their appeal, including copying and mailing. FRAP 39.
- **If you were permitted to proceed *in forma pauperis* in the District Court**, you need not file a motion in this Court. FRAP 24(a). You will still be obliged to pay the fees under 28 U.S.C. § 1915(b) in civil appeals if you are incarcerated.
- If at any time the District Court has found you are not entitled to *in forma pauperis* status, or that your appeal is not taken in good faith, you must file a motion to proceed *in forma pauperis* with this Court or pay the filing and docketing fees.

