

December 14, 2004

FPS-101

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 04-4394

Ward vs. Arm & Hammer
(D.N.J. No. 03-cv-06113)

RECEIVED

DEC 17 2004

To: Clerk

- 1) Motion for Leave to Proceed In Forma Pauperis

AT 8:30
WILLIAM T. WALSH
CLERK

The foregoing Motion to proceed in forma pauperis is granted. Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$255.00 fee in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The Court hereby directs the prison administrator or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The prison administrator, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the United States District Court for the District of New Jersey. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the prison administrator, or his or her designee, shall forward payments to the United States District Court for the District of New Jersey equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal.

This appeal will be submitted to a panel of the Court for determination under 28 U.S.C. § 1915(e)(2). The Court also will consider any other appropriate action, such as summary affirmance of the order of the District Court. See Third Circuit Internal Operating Procedures Chapter 10.6.

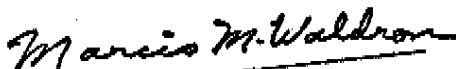
Ward vs. Arm & Hammer
Page Two
No. 04-4394

For the Court,

/s/ Marcia M. Waldron
Clerk

Dated: December 15, 2004
CMH/cc: GAW, RAW

A True Copy:



Marcia M. Waldron,
Clerk

OFFICE OF THE CLERK

MARCIA M. WALDRON
CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790

TELEPHONE
215-597-2995

Trenton Clerk of District Court
(District)

Date 12/15/04

Ward vs. Arm & Hammer
(Caption)

C. of A. No. 04-4394

George Ward
(Petitioner)

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Civil No. 03-cv-06113
(D.C. No.)

DEC 17 2004

AT 8:30
WILLIAM T. WALSH
CLERK

Enclosures:

12/15/04 Certified copy of C. of A. Order by the Court/Clerk
(Date)

Released (Record) (Supplemental Record - First - Second - Third)

XXXXXX Copy of this form to acknowledge receipt and return to C. of A.

Record not released at this time until appeal(s) closed at No.(s) _____

Please forward Certified List in lieu of Record to this office.

The certified copy of order issued as the mandate on _____ is recalled.

Carmen M. Hernandez
Carmen M. Hernandez (267)-299-4952
Case Manager Telephone Number

Receipt Acknowledge:

C. Garcia
(Name)
12/17/04
(Date)