

0.0.02 | APPEAL FEES AND INDIGENT STATUS

Appellant must pay the district court clerk \$605 (a \$5 filing fee and \$600 docketing fee) upon filing a notice of appeal in the district court. Petitions for writ of mandamus and petitions for review of agency action are filed in the court of appeals and must be accompanied by a \$600 filing fee paid to the court of appeals clerk.

In civil appeals by non-prisoners and in appeals under 28 U.S.C. § 2241, 2254 or 2255, the standard in forma pauperis provisions of 28 U.S.C. § 1915(a) and Fed. R. App. P. 24 apply. If the appellant proceeded in forma pauperis (or CJA) below and the district court has not withdrawn its finding of indigent status or found that the appeal is not taken in good faith, appellant's in forma pauperis status continues on appeal. 28 U.S.C. § 1915(a); Fed. R. App. P. 24(a). Otherwise, appellant must file an application to proceed in forma pauperis on appeal. The court of appeals notifies appellant when the appeal is docketed that an application to proceed in forma pauperis must be filed in the court of appeals unless appellant has paid the fee to the district court or been granted leave to proceed in forma pauperis by the district court.

Criminal Justice Act (CJA) status applies to appeals arising from the criminal conviction and from post-judgment motions in the criminal case. CJA applications are filed in the court of appeals, and the court of appeals notifies the appellant of the date by which the application should be filed. 18 U.S.C. § 3006A.

Prison Litigation Reform Act (PLRA) status applies to prisoner civil appeals (excluding §§ 2254 & 2255 appeals). PLRA applications are filed in the court of appeals by the date set by the court and using the forms provided by the court. Prisoners pursuing a civil appeal must agree to pay the filing fee in installments from their prison trust account. If the appellant has had three or more cases dismissed as frivolous, malicious, or for failure to state a claim, the prisoner forfeits the ability to proceed without full prepayment of the filing fee unless the prisoner is in imminent danger of serious injury. 28 U.S.C. § 1915(b).

IFP status also applies to agency review and mandamus petitions. The IFP application is filed in the court of appeals within the date provided by the court of appeals. If the mandamus petition is filed by a prisoner and relates to a civil or civil rights case,



then the petition is subject to the PLRA, and the prisoner must complete the PLRA forms rather than file an IFP application.

Failure to pay the filing fee or apply for indigent status within the date stated by the court of appeals will result in dismissal of the appeal for failure to prosecute.

(4th Circuit Court of Appeals // December 2023)

