

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 12-15721-C

EDWARD BARBER,

Plaintiff-Appellant,

versus

GA DEPT. OF LAW,
STATE ATTORNEY GENERAL OF GEORGIA, *et al.*

Defendants - Appellees.

Appeal from the United States District Court
for the Northern District of Georgia

ORDER:

Edward Barber's motion for leave to proceed on appeal, filed with respect to the denial of his motion for leave to amend his civil rights complaint and the denial of his construed motion for reconsideration of the dismissal without prejudice of his civil rights complaint, is DENIED. Barber, while a prisoner, has filed three prior civil actions or appeals that have been dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, and he is not currently under imminent danger of serious physical injury. Therefore, he cannot proceed without prepaying the filing fee under 28 U.S.C. § 1915. *See* 28 U.S.C. § 1915(g); *Rivera v. Allin*, 144 F.3d 719, 724 (11th Cir. 1998), *abrogated in part on different grounds by Jones v. Bock*, 549 U.S. 199, 215-16, 127 S.Ct. 910, 920-21, 166 L.Ed.2d 798 (2007). Accordingly, Barber's motion for judicial notice is DENIED AS MOOT.

If Barber wishes to proceed on this appeal, which we suggest may be dismissed as frivolous, he must prepay the entire appellate filing fee within 14 days from the date of this order, otherwise, his appeal will be dismissed without further notice for want of prosecution under 11th Cir. R. 42-1(b).

/s/ Rosemary Barkett
UNITED STATES CIRCUIT JUDGE

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

April 05, 2013

Edward Barber
Valdosta SP - Inmate Legal Mail
PO BOX 310
VALDOSTA, GA 31063-0310

Appeal Number: 12-15721-C
Case Style: Edward Barber v. GA Dept. of Law, et al
District Court Docket No: 1:12-cv-01011-WSD

On April 1, 2013, this Court began **MANDATORY electronic filing**. All counsel are required to file documents electronically in appeals pending on April 1, 2013, and in appeals docketed in this Court on or after that date, unless exempted for good cause.

The following action has been taken in the referenced case:

The enclosed order has been ENTERED.

Pursuant to Eleventh Circuit Rule 42-1(b) you are hereby notified that upon expiration of fourteen (14) days from this date, this appeal will be dismissed by the clerk without further notice unless you pay to the DISTRICT COURT clerk the \$450 docket and \$5 filing fees (total of \$455), with notice to this office.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Walter Pollard, C
Phone #: (404) 335-6186

MOT-2 Notice of Court Action