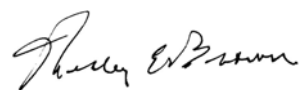


UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Case No. 04-10029-WEB
)
 RUBEN PARTIDA-CERVANTES,)
)
 Defendant.)

Ruben Partida-Cervantes filed a Motion for Leave to Appeal in Forma Pauperis. (Doc. 80). Partida-Cervantes is appealing this Court's denial of his Motion for Retroactive Application of the Sentencing Guidelines. A litigant who desires to appeal in forma pauperis must state the issues the party intends to appeal, and detail their financial inability to pay the required fee. Fed.R.App.P. 24(a)(1). If the litigant was permitted to proceed IFP in the district court, or was determined to be financially unable to pay for a defense attorney in the district court, IFP status should be granted without further authorization. Fed.R.App.P. 24(a)(3). But if the appeal is not taken in good faith or the party is not entitled to proceed without payment of fees, IFP status can be denied. Fed.R.App.P. 24(a)(3)(A).

A review of the record shows that Partida-Cervantes retained his attorney for the trial stage of his case, and paid the fee in his direct appeal. Following this Court's denial of his Section 2255 Motion to Vacate, Partida-Cervantes appealed and the Tenth Circuit granted Partida-Cervantes' Motion to appeal IFP. Because the Tenth Circuit permitted Partida-Cervantes to proceed IFP in his prior appeal, Partida-Cervantes' Motion for Leave to Appeal in Forma Pauperis (Doc. 80) is granted.

IT IS SO ORDERED this 22nd day of November, 2011.

A handwritten signature in black ink, appearing to read "Wesley E. Brown". The signature is written in a cursive, flowing style.

Wesley E. Brown
Senior United States District Court Judge