

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

No. 04-10174-JTM

BRUCE SEARS,
Defendant.

MEMORANDUM AND ORDER

Defendant Bruce Sears moves for leave to proceed on appeal without prepayment of fees. Sears seeks to appeal the court's June 18, 2020 denial of his request to reduce his sentence under the First Step Act. (Dkt. 154). The court hereby denies the request as frivolous. *See* 28 U.S.C. § 1915(a)(3).

The court dismissed Sears' motion as a disguised, unauthorized § 2255 motion, and expressly refused to issue a certificate of appealability. (Dkt. 154, at 3). As the court reiterated after Sears' subsequent, third attempt to avoid proper authorization for a successive § 2255 motion, "Section 2255 provides Sears' exclusive means of relief; he cannot evade that requirement by the vehicle of [18 U.S.C.] § 3559(c)(7)." (*Id.* at 2).

The appeal of the June order would continue the attempted evasion. The court hereby denies leave to proceed without payment of fees.

IT IS SO ORDERED this day of August, 2020 defendant's Motion for Leave (Dkt. 161) is denied.

J. Thomas Marten
J. Thomas Marten, Judge