

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

DHEADRY L. POWELL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 05-20067

MEMORANDUM & ORDER

This matter comes before the court upon petitioner Dheadry L. Powell's Motion for Leave to Appeal in Forma Pauperis (Doc. 166). Petitioner submitted a petition and affidavit that claims he has no assets and that he receives "no outside support" (Doc. 166, at 2). He also provided a document authorizing the release of his institutional account information to the court. Generally, persons seeking to proceed in forma pauperis must "submit a certified copy of the trust fund account statement . . . for the 6-month period immediately preceding the filing of the complaint or notice of appeal . . ." 28 U.S.C. § 1915(a)(2).

Federal Rule of Appellate Procedure 24(a)(3) provides that "[a] party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization" unless the court certifies in writing that the appeal is not taken in good faith, or the party is otherwise not entitled to in forma pauperis status.

This court granted petitioner the right to proceed in forma pauperis on September 22, 2009 (Doc. 133). Petitioner has not yet filed a substantive appeal brief, so the court has no information about the

merits of his appeal. Petitioner may therefore proceed without further authorization. His motion is granted.

IT IS THEREFORE ORDERED that petitioner's Motion for Leave to Appeal in Forma Pauperis (Doc. 166) is granted.

Dated April 27, 2018, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge