

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

TERRY J. MCINTYRE, JR.,

Defendant.

Case No. 06-20047-03

MEMORANDUM & ORDER

This matter comes before the court upon petitioner Terry J. McIntyre, Jr.'s Motion for Leave to Appeal In Forma Pauperis (Doc. 665). Petitioner seeks leave to proceed in forma pauperis ("IFP") on appeal. This is petitioner's second motion for leave to proceed IFP. The court denied petitioner's first motion (Doc. 655), because he only provided an account statement for the month of April 2018.

The court explained that 28 U.S.C. § 1915 governs whether petitioner may proceed without prepayment of fees. Section 1915(a)(2) provides that a prisoner must "submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner was confined."

Instead of obtaining information for the past six months, he resubmitted the same information—deposits from February 1–May 8, 2018, and his inmate statement from April 13–May 14, 2018. This is insufficient. Therefore, petitioner's motion must again be denied. If petitioner again seeks leave to appeal IFP without providing the required information, his motion will be summarily denied.

IT IS THEREFORE ORDERED that petitioner's Motion for Leave to Appeal In Forma Pauperis (Doc. 665) is denied without prejudice.

Dated July 16, 2018, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge