

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DANIEL JOSEPH
PARRISH-PARRADO,

Plaintiff,

v.

CASE NO. 06-3344-SAC

KAREN ROHLING,
et al.,

Defendants.

O R D E R

This matter is currently before the court upon plaintiff's Motion for Reconsideration, and Notice of Interlocutory Appeal (Doc. 6). The court considers these motions in the alternative, since it otherwise would not have jurisdiction to decide the Motion for Reconsideration.

Plaintiff states no grounds for this court to reconsider its Order entered January 4, 2007, denying his Motion for Leave to Proceed Without Prepayment of Fees pursuant to 28 U.S.C. 1915(g), and giving him thirty (30) days to pay the full filing fee herein. Accordingly, the court denies plaintiff's Motion for Reconsideration (Doc. 6).

Plaintiff has filed a Notice of Interlocutory Appeal of the Court's January 4, 2007, Memorandum and Order. Plaintiff was not permitted to proceed in forma pauperis in the district court, and thus may not automatically proceed in forma pauperis on appeal pursuant to Rule 24(a)(3). He has filed no motion to proceed on appeal without prepayment of fees; however, such a motion would presumably also be denied under 28 U.S.C. 1915(g).

Assuming this court's order denying plaintiff's Motion for Leave to Proceed Without Prepayment of Fees is an appealable order¹, the court finds the appeal is not taken in good faith for the reason that plaintiff states no legal or factual basis whatsoever for the appeal.

IT IS THEREFORE ORDERED that plaintiff's Motion for Reconsideration (Doc. 6) is denied.

IT IS FURTHER ORDERED that the court certifies the appeal is not taken in good faith.

IT IS SO ORDERED.

Dated this 29th day of January, 2007, at Topeka, Kansas.

s/Sam A. Crow
U. S. Senior District Judge

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The Tenth Circuit Court of Appeals has recognized in an unpublished opinion that "the denial of leave to proceed IFP is itself . . . a final, appealable order" over which the Circuit Court has jurisdiction. Fuller v. Myers, 123 Fed.Appx. 365, **1 (10th Cir. 2005), *citing* Roberts v. United States Dist. Ct., 339 U.S. 844 (1950) (per curiam).