

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-10186-01-JWB

RAYMOND L. ROGERS,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on Defendant's motion for leave to appeal in forma pauperis ("IFP") (Doc. 207.) For the reasons stated below, the motion is DENIED.

In a Memorandum and Order filed December 13, 2018, (Doc. 201), the court dismissed Defendant's most recent motion to vacate sentence (Doc. 200) on the grounds that it was a second or successive § 2255 motion over which this court lacks jurisdiction. The court also denied a certificate of appealability. (Doc. 201 at 4.) Defendant subsequently filed a notice of appeal (Doc. 203), and he now moves for leave to appeal IFP. (Doc. 207.)

Under the governing IFP statute, a district court may authorize a person to appeal without prepayment of fees if the person makes the requisite showing of an inability to pay the fees associated with the appeal. 28 U.S.C. § 1915(a). An appeal may not be taken IFP, however, "if the trial court certifies in writing that it is not taken in good faith." *Id.*, § 1915(a)(3). *See also* Fed. R. App. P. 24(a)(3) (party previously permitted to proceed IFP may do so on appeal unless the district court certifies the appeal is not taken in good faith). Thus, "to succeed on a motion to proceed IFP, the movant must show a financial inability to pay the required filing fees, as well as the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues

