

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ROBERT E. GREEN,

Plaintiff,

v.

CASE NO. 10-3062-SAC

CORRECTIONS CORPORATION
OF AMERICA,

Defendants.

O R D E R

This matter is before the court upon plaintiff's motion for leave to proceed in forma pauperis (ifp) on appeal (Doc. 21). Having considered the motion, the court finds as follows.

"A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization, unless . . . the district court . . . certifies that the appeal is not taken in good faith." Fed. R.App. P. 24(a)(3)(A); see also 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.").

The court finds that this appeal is not taken in good faith for the reason that plaintiff fails to show "the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal." See DeBardleben v. Quinlan, 937 F.2d 502, 505 (10th Cir. 1991); Rolland v. Primesource Staffing, L.L.C., 497 F.3d 1077, 1079 (10th Cir. 2007). A party is required

to attach an affidavit to the ifp motion that, among other things, "states the issues that the party intends to present on appeal." Boling-Bey v. U.S. Parole Com'n, 559 F.3d 1149, 1154, FN6 (10th Cir. 2009)(citing Fed. R.App. P. 24(a)(1)(C)). As indicated in the court's Memorandum and Order of April 22, 2010, and its Order of July 8, 2010, plaintiff failed to show full exhaustion of the proper administrative remedies, failed to amend his complaint to name a proper defendant, and failed to state sufficient facts to support a claim of federal constitutional violation.

Plaintiff may file a motion for leave to proceed in forma pauperis in the Tenth Circuit Court of Appeals. However, he is reminded that even if that motion is granted, he will be obligated to pay the appellate filing fees, in addition to the already assessed district court filing fee, in full through payments automatically deducted from his inmate account. The appellate filing fees totals \$455.00.

IT IS THEREFORE ORDERED that plaintiff's Motion for Leave to Appeal in forma pauperis (Doc. 21) is denied.

IT IS SO ORDERED.

Dated this 1st day of September, 2010, at Topeka, Kansas.

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