

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

EBRAHIM ADKINS,

Plaintiff,

v.

CASE NO. 10-3170-SAC

ROBERT SAPIEN, et al.,

Defendants.

O R D E R

The court granted plaintiff leave to proceed in forma pauperis on a pro se complaint seeking relief under 42 U.S.C. § 1983 on allegations that restrictions on indigent mailing and copying during his incarceration unlawfully interfered with his access to the courts, and that his legal mail was mishandled and confiscated. By an order entered on April 26, 2011, the court summarily dismissed plaintiff's amended complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). Before the court is plaintiff's notice of appeal from that final judgment, without prepayment of the \$455.00 appellate filing fee.

The court dismissed the amended complaint finding in part the declaratory and injunctive relief being sought was rendered moot by his release from custody, and further finding plaintiff's allegations were time barred and failed to state a claim upon which relief could be granted against any defendant. Because plaintiff articulates no reasonable contrary argument on the merits, the court certifies the appeal is not taken in good faith, and denies plaintiff leave to proceed in forma pauperis on appeal. See 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.").

IT IS THEREFORE ORDERED that the court denies plaintiff leave to proceed in forma pauperis on appeal.

**IT IS SO ORDERED.**

DATED: This 4th day of May 2011 at Topeka, Kansas.

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