

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

No. 12-10174-JTM

PHILIP ANDRA GRIGSBY,  
Defendant.

MEMORANDUM AND ORDER

The court by prior Order (Dkt. 340) struck the motion of defendant Philip Andra Grigsby seeking to alter the restitution judgment requiring payments to the mother of his victim. The court concluded that Grigsby is barred by two federal statutes from acting as a representative of his victim. After filing a Notice of Appeal, Grigsby has submitted two motions. In the first, he seeks leave to file his appeal *in forma pauperis*. (Dkt. 344). In the second, he asks for a stay of restitution payments until after the appeal.

Both motions are purely conclusory. The first simply presents Grigsby's prison financial records; the second simply asks for a stay. Neither pleading suggests any reason at all why the court's conclusion as to standing is incorrect. Under Fed.R.App. 24(a), leave to proceed on appeal *in forma pauperis* will not be granted if the court cannot certify that the appeal is taken in good faith.

Because the court is unable to discern any reason why the explicit standing restrictions of the relevant federal victims' rights statutes would be invalid or inapplicable, the court finds that defendant should not be granted leave to appeal *in forma pauperis*, any appeal would be frivolous. Similarly, defendant has shown no reason for a stay of the prior Order.

IT IS ACCORDINGLY ORDERED this day of February, 2021, that the defendant's motions for leave and to stay (Dkt. 344, 345) are hereby denied.

J. Thomas Marten  
J. Thomas Marten, Judge