

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LOS ROVELL DAHDA (01),

Defendant.

Case No. 12-20083-01-DDC

MEMORANDUM AND ORDER

On September 4, 2020, the court denied in part and dismissed in part Los Dahda's Motion for Return of Property Pursuant to Federal Rules of Criminal Procedure 41(g), Seeking Judicial Review Under 28 U.S.C. § 1331 and 5 U.S.C. § 702 (Doc. 2736). Mr. Dahda appealed. This matter now comes to the court on pro se¹ defendant Los Dahda's Motion to Proceed In Forma Pauperis (Doc. 2860).

The court previously appointed counsel for Mr. Dahda. *See* Order Appointing Substitute Counsel (Doc. 2491) filed July 10, 2018; Appointment of and Authority to Pay Court Appointed Counsel (Doc. 256) filed June 18, 2012. Mr. Dahda therefore financially qualifies for in forma pauperis status. *See* Fed. R. App. P. 24(a)(3). A defendant who previously qualified for appointed counsel can proceed in forma pauperis without further authorization unless the court certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. *See id.* Mr. Dahda's appeal appears to be in good faith, and he

¹ Because Mr. Dahda proceeds pro se, the court construes his filings liberally and holds them to a less stringent standard than formal pleadings drafted by lawyers. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). But the court does not assume the role of advocate for a pro se litigant. *Id.*

appears to be entitled to proceed in forma pauperis. The court thus grants Mr. Dahda's request to proceed without prepayment of fees on appeal.

IT IS THEREFORE ORDERED BY THE COURT THAT Los Dahda's Motion to Proceed In Forma Pauperis (Doc. 2860) filed October 13, 2020 is granted.

IT IS FURTHER ORDERED BY THE COURT THAT the Clerk shall forward a copy of this Order to the Tenth Circuit Court of Appeals.

IT IS SO ORDERED.

Dated this 19th day of October, 2020, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge