

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

MARQUAN ROCHELLE,

Plaintiff,

v.

CVS CAREMARK,

Defendant.

Case No. 14-cv-2473-DDC-TJJ

MEMORANDUM AND ORDER

On June 8, 2015, the Court issued a Memorandum and Order dismissing plaintiff Marquan Rochelle's claims in this lawsuit (Doc. 28). The next day, June 9, the Court entered a judgment in favor of defendant CVS Caremark (Doc. 29), thereby readying this case for a possible appeal.

On July 10, 2015, Mr. Rochelle sent an e-mail to the Clerk of the Court's e-mail account with two documents attached: (1) a motion for leave to file an appeal *in forma pauperis* and (2) an affidavit in support of the motion. The Clerk's office was able to open the affidavit, a .pdf file, without issue. The motion, however, was a Microsoft Word file that the Clerk's office could not open. The Clerk's office sent an e-mail to Mr. Rochelle asking him to re-send his motion. Mr. Rochelle did so on July 14, 2015, but again the Clerk's office could not open the file. The Clerk's office then sent an e-mail asking Mr. Rochelle to fax the motion and provided a fax number. As of July 16, 2015, Mr. Rochelle has not faxed his motion or otherwise responded to the Clerk's office's latest e-mail.

The Court has filed the affidavit in support of Mr. Rochelle's motion as Doc. 30. But it cannot permit Mr. Rochelle to file an appeal *in forma pauperis* without reviewing the motion

itself. As a result, the Court orders Mr. Rochelle to submit his motion in a form the Court can access no later than Wednesday, August 5, 2015. If Mr. Rochelle fails to do so, the Court will deny it summarily.

IT IS SO ORDERED.

Dated this 16th day of July, 2015, at Topeka, Kansas.

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