

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

JAMES DAVID THORNBRUGH,)	
)	
Petitioner,)	
)	CIVIL ACTION
v.)	
)	No. 14-3105-KHV
CLAUDE MAYE,)	
)	
Respondent.)	
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MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed pursuant to 28 U.S.C. § 2241. Petitioner, a federal prisoner, proceeds pro se. By an order entered on November 6, 2014, the Honorable Richard D. Rogers dismissed this matter, finding that petitioner had not shown any ground that would allow him to challenge his conviction in the United States District Court for the Northern District of Oklahoma under the savings clause of 28 U.S.C. § 2255(e).

On February 27, 2015, the clerk of the court received correspondence from the petitioner stating that he had filed a timely notice of appeal in this matter but had received no response from the court. However, no notice of appeal appeared on the court's docket, and the clerk of the court docketed the correspondence, dated February 24, 2015, as a motion for leave to appeal in forma pauperis. Judge Rogers directed the petitioner to supplement the record by providing a statement of when the notice of appeal was submitted to the court and advising him that if he wished to seek leave to proceed in forma pauperis on appeal, he must submit a form motion and a certified financial statement.

Petitioner filed a timely response, in which he states that his notice of appeal was dated November 13, 2014. He also states, however, that following the dismissal without prejudice of

this petition under Section 2241, he commenced a second action pursuant to Section 2255 in the sentencing court, and that “unless the option to proceed in the second 2255 is foreclosed, [he] should continue that process.” (Doc. #9 at 1). Petitioner did not file a certified financial statement.

Because petitioner failed to supplement the record as directed, the Court concludes he has abandoned the attempt to appeal and denies the pending motion to proceed on appeal in forma pauperis.

IT IS THEREFORE ORDERED that Petitioner’s Motion For Leave to Appeal In Forma Pauperis (Doc. #7) filed February 27, 2015, be and hereby is **OVERRULED**.

Dated this 2nd day of September, 2015 at Kansas City, Kansas.

S/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge