

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

Mark Alan Lane,

Petitioner,

v.

Case No. 16-3056-JWL

Claude Maye,

Respondent.

MEMORANDUM & ORDER

In early March 2016, petitioner Mark Alan Lane, a federal prisoner appearing pro se, filed a petition for writ of habeas corpus under 28 U.S.C. § 2241. The court summarily dismissed the petition for lack of jurisdiction based on its conclusion that the petition asserted challenges that could be raised only through a motion filed with the sentencing court under 28 U.S.C. § 2255. *See Davis v. United States*, 417 U.S. 333, 345-46 (1974) (§ 2255 motions are exclusive means by which federal prisoner can challenge conviction or sentence that allegedly is in violation of Constitution or federal laws or that is otherwise subject to collateral attack). Thereafter, the court summarily denied Mr. Lane's subsequent motion to vacate or rescind the judgment and his motion to alter or amend the court's order denying the motion to vacate or rescind.

He now seeks leave to appeal in forma pauperis and, in support of the motion, asserts only that he is not required to pay a filing fee because the PLRA does not apply to habeas actions. Because the Circuit frequently dismisses § 2241 appeals for failure to pay filing fees, the fee requirement undoubtedly applies in this case. *See Pinson v. Oliver*, 601 Fed. Appx. 679

(10th Cir. 2015). Mr. Lane has not submitted any financial information in support of his motion. But the court declines to provide Mr. Lane an opportunity to provide that information because, to qualify for IFP status, Mr. Lane must show not only a financial inability to pay the required filing fees, but also the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal. *Fairbanks v. Lampert*, 2016 WL 1394239, at *2 (10th Cir. Apr. 8, 2016). For the reasons asserted in the court's prior orders, Mr. Lane cannot show the existence of a reasoned, nonfrivolous argument on appeal.

IT IS THEREFORE ORDERED BY THE COURT THAT Mr. Lane's motion for leave to appeal in forma pauperis (doc. 13) is **denied**.

IT IS SO ORDERED.

Dated this 15th day of April, 2016, at Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge