

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

PHILIP ANDRA GRIGSBY,
Petitioner,

v.

Case No. 18-cv-03138-JTM

WARDEN BALTAZAR,

Respondent.

MEMORANDUM AND ORDER

This matter is before the court on Petitioner Philip Andra Grigsby's Application to Proceed In Forma Pauperis (Dkt. 12) on appeal.

Petitioner has submitted an application suggesting he may qualify to proceed without prepayment of fees. A party seeking leave to appeal in forma pauperis must file a motion in the District Court, along with an affidavit that "(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or give security for the fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal." Fed. R. App. P. 24(a)(1). Likewise, 28 U.S.C. Section 1915(a)(1) requires that a person seeking leave to proceed without prepayment of fees must submit an affidavit stating "the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress."

Although Petitioner has stated that he has an inability to pay or give security for the fees associated with his appeal and has indicated a belief that he is entitled to redress, he has not done so in the detail prescribed by Form 4 of the Appendix of Forms to the Federal Rules of Appellate Procedure. Petitioner's application also fails to identify the

nature of his appeal or the issues he intends to present on appeal. The Court finds that Petitioner's application is deficient under Fed. R. App. P. 24(a)(1)(A) and (C) and 28 U.S.C. §1915(a)(1). The Court will not deny Petitioner's application, but instead will grant him additional time to submit the required affidavit.

IT IS ORDERED that Petitioner's Application to Proceed In Forma Pauperis is taken under advisement. Petitioner shall submit an affidavit that complies with Fed. R. App. P. 24(a)(1)(A) and (C) and 28 U.S.C. §1915(a)(1) by October 22, 2018, or his application will be denied without prejudice.

Dated this 12th day of September, 2018.

/s/ J. Thomas Marten

THE HONORABLE J. THOMAS MARTEN
UNITED STATES DISTRICT COURT