

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

TERRANCE WILLS (03),

Defendant.

Case No. 19-40019-03-DDC

MEMORANDUM AND ORDER

This matter comes before the court on defendant Terrance Wills’s pro se¹ Motion for Leave to Appeal In Forma Pauperis (Doc. 169). This court dismissed Mr. Wills’s Motion to Reduce Sentence (Doc. 158) on March 24, 2021. Doc. 165 at 11. Mr. Wills seeks to appeal the court’s decision in forma pauperis to the Tenth Circuit. Doc. 169 at 1. For the following reasons, the court denies Mr. Wills’s motion as moot.

“If a person for whom counsel is appointed under [18 U.S.C. § 3006A] appeals to an appellate court . . . he may do so without prepayment of fees and costs or security therefor[e] and without filing the affidavit required by section 1915(a) of title 28.” 18 U.S.C. § 3006A(d)(7); *see also* Fed. R. App. P. 24(a)(3) (“A party . . . who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without

¹ Because Mr. Wills filed the current motion pro se, the court construes his filings liberally and holds them to “a less stringent standard than formal pleadings drafted by lawyers.” *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). But the court does not become an advocate for the pro se party. *Id.* Likewise, Mr. Wills’s pro se status does not excuse him from complying with the court’s rules or facing the consequences of noncompliance. *See Ogden v. San Juan Cnty.*, 32 F.3d 452, 455 (10th Cir. 1994) (citing *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994)).

further authorization[.]”).² Previously, this court appointed counsel for Mr. Wills under 18 U.S.C. § 3006A. Docs. 16, 44, & 65. So, Mr. Wills may appeal this action in forma pauperis without any further authorization from this court. The court thus denies Mr. Wills’s motion as moot. The Clerk of the Court is directed to forward a copy of this order to the Clerk of the Tenth Circuit.

IT IS THEREFORE ORDERED THAT defendant Terrance Wills’s Motion for Leave to Appeal In Forma Pauperis (Doc. 169) is denied as moot.

IT IS SO ORDERED.

Dated this 17th day of May, 2021, at Kansas City, Kansas.

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

² Federal Rule of Appellate Procedure 24(a)(3)(A) permits a petitioner to “proceed in forma pauperis without further authorization, unless” the district 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[.]” This court has not found that Mr. Wills appeals the court’s Order denying his Motion to Reduce Sentence in bad faith.