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 UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

BRUCE ALLEN RUTHERFORD #27006-078 §

*versus*

UNITED STATES OF AMERICA §

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CIVIL ACTION NO. 4:19-CV-348

CRIMINAL ACTION NO. 4:17-CR-41(1)

**MEMORANDUM OPINION AND ORDER**

Appellant Bruce Allen Rutherford filed a motion for leave to appeal *in forma pauperis* (Dkt. #41). Appellant may proceed *in forma pauperis* on appeal only if he is economically eligible and presents a nonfrivolous issue. *See Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). A review of the case reveals that Appellant filed a “Demand for Recusal” of the undersigned United States District Judge (Dkt. #38), which this Court denied (Dkt. #39). Appellant is appealing the Court’s denial of recusal (Dkt. #40).

In reviewing Appellant’s motion, the record shows that Appellant attached only one page of his trust data sheet (Dkt. #41-1). However, that page shows “National 6 Months Deposits” of \$445.79, and “National 6 Months Avg Daily Balance” of \$838.76. Therefore, Appellant fails to show he is economically eligible. *Id.* He also fails to present a nonfrivolous issue on appeal. *Id.*

It is therefore **ORDERED** the motion for leave to appeal *in forma pauperis* (Dkt. #41) is **DENIED**.

SIGNED at Beaumont, Texas, this 22nd day of January, 2021.




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 MARCIA A. CRONE  
 UNITED STATES DISTRICT JUDGE