

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00090-ZLW

LIONEL KERSH,

Applicant,

v.

WARDEN RICHARD SMELSER, Conspiracy Participant, and  
THE ATTORNEY GENERAL OF THE STATE OF [COLORADO] JOHN WILLIAM SUTHERS,

Respondents.

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ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL

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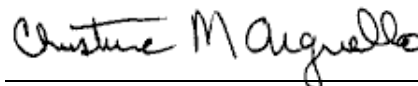
Weinshienk, Senior Judge

Applicant has submitted a Notice of Appeal. Applicant previously was allowed to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this court in this action. The court has examined the file and has determined that leave to proceed *in forma pauperis* on appeal must be denied. Pursuant to Rule 24(a)(3) of the Federal Rules of Appellate Procedure, the court finds that this appeal is not taken in good faith because applicant has not shown the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal. Accordingly, it is

ORDERED that leave to proceed *in forma pauperis* on appeal is denied because this appeal is not taken in good faith.

DATED at Denver, Colorado, this 19th day of May, 2010.

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge for  
ZITA LEESON WEINSHIENK  
Senior Judge, United States District Court