

MHN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 08 C 3817
)	(01 CR 1115)
ALFREDO LONGORIA,)	
)	
Defendant.)	

MEMORANDUM ORDER

This Court has been unsuccessful in obtaining a response from our Court of Appeals to a November 5, 2008 memorandum order ("Order") inquiring as to the applicability or inapplicability of the requirements imposed by 28 U.S.C. §1915 ("Section 1915") under the circumstances presented by the notice of appeal filed by Alfredo Longoria ("Longoria"). But as stated in the Order, this Court's earlier denial of a certificate of appealability "has been predicated on this Court's determination that Longoria's proposed appeal is legally frivolous." That in turn appears to call for the denial of in forma pauperis status, and this Court so orders.

Such denial carries with it the inapplicability of Section 1915, which in turn means that the aggregate of \$455 in appellate fees become payable (see Newlin v. Helman, 123 F.3d 429, 432-33 (7th Cir. 1997), overruled in other respects by Lee v. Clinton, 209 F.3d 1025 (7th Cir. 2000)). Longoria may of course turn to the Court of Appeals to request reconsideration of the in forma

pauperis issue, for which purpose he may seek to advance the asserted hardship considerations that have been set out in his most recent filing received in the District Court Clerk's office on December 8.



Milton I. Shadur
Senior United States District Judge

Date: December 11, 2008