

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

UNITED STATES OF AMERICA,)	
)	
Respondent,)	
)	
v.)	No. 10 C 4511
)	(06 CR 174-3)
ERNEST MYERS #18545-424,)	
)	
Movant.)	

MEMORANDUM ORDER

Indefatigable litigant Ernest Myers ("Myers") continues to pursue his efforts to challenge his conviction and the sentence he is serving following a jury trial that convicted him of attempted arson. Now he has moved his quest (as is his right) to our Court of Appeals, most recently supporting that effort by filing a Seventh-Circuit-supplied Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis ("Affidavit").

This Court's most recent involvement in the matter has been its March 14, 2011 Statement as to Certificate of Appealability, in which it explained (with the attachment of its earlier orders entered November 30, 2010 and January 4 and 11, 2011) why it considers that Myers has not made a substantial showing of the denial of a constitutional right (see 28 U.S.C. §2253(c)(2)). But to this Court's knowledge it has not previously been asked to deal with Myers' entitlement or lack of entitlement to in forma pauperis status, and although his current Affidavit has been

presented on the Seventh-Circuit-provided form, this Court's understanding is that it should address the matter before the subject is tendered to the Court of Appeals. In this Court's opinion Myers' current efforts are legally frivolous, disentitling him to in forma pauperis treatment. This issue may of course be tendered to the Court of Appeals for its determination.



Milton I. Shadur
Senior United States District Judge

Date: April 5, 2011