

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

ROBERT BASS,	)	
	)	
Petitioner	)	
	)	
v.	)	No. 10 C 8025
	)	(USCA No. 11-1335)
LISA MADIGAN, Attorney	)	
General of the State of	)	
Illinois,	)	
	)	
Respondent	)	

MEMORANDUM ORDER

This Court has just received from our Court of Appeals a copy of its February 23, 2011 order ("Order") that, because petitioner-appellant Robert Bass ("Bass") had erroneously filed his motion for leave to appeal in forma pauperis with that court rather than in this District Court, transferred the matter here for a ruling on the motion. On February 10 this Court had issued its statement as to certificate of appealability, explaining its view that no such certificate should issue because Bass had clearly not made a substantial showing of the denial of a constitutional right (see 28 U.S.C. §2253(c)(2)).<sup>1</sup> What was said there, and what had been explained at somewhat greater length in this Court's December 21, 2010 memorandum opinion and order ("Opinion") dismissing this action, applies with equal force to call for the denial of in forma pauperis status on Bass' putative

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<sup>1</sup> All further references to Title 28's provisions will simply take the form "Section--."

appeal.

Briefly, the granting of in forma pauperis status requires both a showing of financial inability to pay the filing fee and the assertion of at least one claim that is nonfrivolous in the legal sense. Here Rule 1(a) of the Rules Governing Section 2254 Cases in the United States District Courts makes it clear that Bass' petition is nonactionable under Section 2254--as the Opinion explained, "Bass clearly faces no 'future custody under a state-court judgment'--he has long since served his time under his 1994-95 state conviction, and both his present and his future involve federal custody on a federal sentence."

Because Bass has clearly not made a substantial showing of the denial of a constitutional right (see Section 2253(c)(2)), he has no even arguably viable Section 2254 claim. Hence this Court denies his in forma pauperis motion. As the Court of Appeals' Order reflects, he may renew that motion before that court pursuant to Fed. R. App. P. 24.



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Milton I. Shadur  
Senior United States District Judge

Date: February 24, 2011