

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

NISHI A. JOSLIN,)	
)	
Petitioner,)	
)	
v.)	No. 11 C 6575
)	USCA No. 12-1049
MELODY HULETT,)	
)	
Respondent.)	

MEMORANDUM ORDER

On November 30, 2011 this Court issued a brief memorandum order ("Order") that dismissed the self-prepared Petition for Writ of Habeas Corpus ("Petition"), brought by petitioner Nishi Joslin ("Joslin"), as having been untimely filed. After Joslin filed a Notice of Appeal from that dismissal, this Court issued a January 5, 2012 statement denying a certificate of appealability ("COA") on the ground that nothing that Joslin had asserted in her application for a COA "alters the undisputed facts that confirm the untimeliness of her federal Petition, as explained in the Order."

On January 23 Joslin mistakenly filed in the Court of Appeals a motion to proceed on appeal in forma pauperis, and the Court of Appeals has caused that motion to be transferred to this Court. Although Johnson would qualify for in forma pauperis status in purely financial terms, thus incurring the obligation under 28 U.S.C. §1915 to pay the \$455 in filing fees on an installment basis, the caselaw from our Court of Appeals

conditions such status on the assertion of a nonfrivolous claim as well as the inability to pay the full filing fee up front.

This Court's view is that Joslin has failed that test of nonfrivolousness in the legal sense, and it therefore denies her in forma pauperis motion. That issue can however be submitted to the Court of Appeals for its consideration, for which purpose its January 24 order reminds Joslin that the motion would have to be refiled in that court pursuant to Fed. R. App. P. 24.



Milton I. Shadur
Senior United States District Judge

Date: January 25, 2012