

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KENNEDY M. RUSSELL, SR.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 12-1016-DRH

MEMORANDUM and ORDER

HERNDON, Chief Judge:

On November 30, 2012, the Court denied Russell's motion for leave to appeal in forma pauperis on appeal (Doc. 22). In that Order, the Court directed Russell to either pay the appellate filing and docketing fee of \$455 to the Clerk of the Court in this District or to re-file the motion for leave to proceed in forma pauperis on appeal with the Seventh Circuit Court of Appeals. Now before the Court is another motion to proceed in forma paueris on appeal filed on December 14, 2012 (Doc. 26).¹ The Court's reasoning for denying leave to proceed in forma pauperis on appeal has not changed in the past two weeks. The Court denied Russell's motion for bond pending the resolution of his 28 U.S.C. § 2245 petition and Russell has offered no argument indicating why this Court's conclusion was incorrect. Therefore, the Court again

¹The title of the motion indicates that Russell may have intended to file this motion with the Seventh Circuit Court of Appeals and not this Court. The motion is titled: "LEAVE TO APPEAL IN FORMA PAUPERIS IN THE APPEAL COURT." However, the caption of the pleading contains the Southern District of Illinois as the Court.

CERTIFIES that this appeal is not taken in good faith; accordingly, the motion for leave to proceed *in forma pauperis* on appeal is **DENIED**. Russell shall tender the appellate filing and docketing fee of \$455 to the Clerk of Court in this District, or he may re-file the motion with the Seventh Circuit Court of Appeals.

IT IS SO ORDERED.

Signed this 17th day of December, 2012.

 Digitally signed by
David R. Herndon
Date: 2012.12.17
10:24:26 -06'00'



**Chief Judge
United States District Court**