

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

CRAIG CESAL,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 16-cv-1064-SMY-RJD
)	
DOUGLAS ANTHONY KRUSE., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

Plaintiff Craig Cesal, an inmate in the custody of the Federal Bureau of Prisons ("BOP"), filed this lawsuit pursuant to *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1971), claiming his constitutional rights were violated while he was incarcerated at Federal Correctional Institution at Greenville, Illinois ("FCI Greenville"). This Court granted Defendants' Motion for Summary Judgment (Doc. 56) and Plaintiff filed a Notice of Appeal (Doc. 64). Now pending before the Court is Plaintiff's Motion for Leave to Appeal *in Forma Pauperis* ("IFP") (Doc. 67). For the following reasons, the Motion is **DENIED**.

A federal court may permit a party to proceed on appeal without full pre-payment of fees provided the party is indigent and the appeal is taken in good faith. 28 U.S.C. § 1915(a)(1) & (3); FED. R. APP. P. 24(a)(3)(A). An appeal is taken in "good faith" if it seeks review of any issue that is not clearly frivolous, meaning that a reasonable person could suppose it to have at least some legal merit. *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000).

Here, Plaintiff's affidavit in support of his request to proceed IFP on appeal is incomplete. Specifically, Plaintiff has failed to attach a certified statement showing all receipts,

expenditures, and balances during the last six months for his institutional accounts. As a result, the Court is unable to ascertain whether Plaintiff qualifies for indigent status. Further complicating the determination of Plaintiff's indigent status is his contradictory assertion that he has the funds to pay the Appellate filing fee and his Affidavit averring that he has no money or assets. Accordingly, Plaintiff's Motion for Leave to Appeal *in Forma Pauperis* is **DENIED**.

IT IS SO ORDERED.

DATED: October 18, 2019

The image shows a handwritten signature in black ink that reads "Staci M. Yandle". The signature is written over a circular seal of the United States District Court. The seal features an eagle with wings spread, perched on a shield, with the words "UNITED STATES DISTRICT COURT" around the perimeter.

STACI M. YANDLE
United States District Judge