

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

ANTOINE L. EWING,)	
)	
Petitioner,)	
)	
vs.)	Case No. 17-cv-1286-SMY
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

Petitioner Antoine L. Ewing filed a habeas corpus petition pursuant to 28 U.S.C. § 2255 collaterally attacking his career offender designation and alleging ineffective assistance of counsel (Docs. 1, 2). This Court denied the petition (Doc. 19) and Ewing has appealed to the Seventh Circuit Court of Appeals (*See* Doc. 22). Now pending before the Court is Ewing's Motion for Leave to Appeal *in Forma Pauperis* (“IFP”) (Doc. 28).

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).

Ewing's affidavit in support of his request to proceed IFP on appeal is incomplete. Specifically, he failed to attach a certified statement showing all receipts, expenditures, and balances during the last six months for his institutional accounts. Consequently, the Court is unable to ascertain whether he qualifies for indigent status. Additionally, because Ewing failed to

specify the basis for his appeal in either his IFP motion or his Notice of Appeal, the Court cannot discern the issues he intends to raise on appeal.

Accordingly, Petitioner's Motion for Leave to Appeal *in Forma Pauperis* is **DENIED**. He is **ADVISED** that he has **30 days** from service of this Order to file a motion to proceed *in forma pauperis* on appeal in the Court of Appeals. FED. R. APP. P. 24(a)(5).

IT IS SO ORDERED.

DATED: October 7, 2020



STACI M. YANDLE
United States District Judge