

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

JAMES EVERETT GOWANS,)	
)	
Petitioner,)	
)	Civil Case No. 11-311-JMH-CJS
v.)	
)	
COOKIE CREWS, Warden, et al.,)	
)	MEMORANDUM OPINION & ORDER
Defendants.)	

Petitioner has filed a Motion for Leave to Appeal In Forma Pauperis [DE 25]. The Court has, however, declined to issue a certificate of appealability in this matter, and that decision remains intact [DE 18]. By declining to issue a certificate of appealability and stating its reasons in writing, this Court has certified that an appeal would not be taken in good faith. Thus, Petitioner is placed in a position where he must seek further authorization to proceed on appeal *in forma pauperis* under Fed. R. App. P. 24(a)(3)(A), notwithstanding his earlier status *in forma pauperis* before any other Court. As the Court understands Fed. R. App. P. 24(a)(3), (4), and (5), any further request to proceed on appeal *in forma pauperis* is properly addressed to the Sixth Circuit Court of Appeals.

Accordingly, **IT IS ORDERED** that Petitioner's Motion for Leave to Appeal In Forma Pauperis [DE 25] is **DENIED** without

prejudice to a request for such relief in the Sixth Circuit Court of Appeals.

This the 13th day of September, 2012.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge