

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RASHAD AKEEM RASHEED,

Petitioner,

v.

BRUCE GELB,

Respondent.

Civil Action No. 12-11921-DJC

MEMORANDUM AND ORDER

CASPER, J.

May 15, 2013

For the reasons set forth below, the Court denies the petitioner’s motion to appeal *in forma pauperis*.

On March 21, 2013, as part of his appeal of this Court’s February 5, 2013 order denying his petition for a writ of habeas corpus under 28 U.S.C. § 2254, petitioner Rashad Akeem Rasheed filed a motion to appeal *in forma pauperis* by submitting (1) a one-page motion in which he states that he is incarcerated and indigent; (2) an Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)<sup>1</sup> which Rasheed signed but did not complete; and (3) a six-month prison account statement.

Under the Federal Rules of Appellate Procedure, a person moving for leave to appeal *in forma pauperis* must attach to his motion an affidavit that “(A) shows in the detail prescribed by Form 4 of the Appendix of Forms [to the Federal Rules of Appellate Procedure] the party’s inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal.” Fed. R. App. P. 24(a)(1). Where the appellant is a prisoner, he is required to submit “a certified copy of the trust fund account statement . . . for

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<sup>1</sup>As the title of the form suggests, this document is for use by litigants initiating an action in the district court.

the prisoner for the 6-month period immediately preceding the filing of the . . . notice of appeal.”  
28 U.S.C. § 1915(a)(2).

Although Rasheed submitted a declaration of indigency and a prison account statement, he has not provided the more detailed financial information required under Fed. R. Civ. P. 24(a)(1). Rasheed also did not include with the motion to appeal *in forma pauperis* a statement of the issues he intends to present on appeal. *See* Fed. R. Civ. P. 24(a)(1)(C). Without this information, the Court cannot grant the petitioner’s motion to appeal *in forma pauperis*.

Accordingly, the Court denies the petitioner’s motion (D. 19) to appeal *in forma pauperis*. If Rasheed would still like to pursue *in forma pauperis* status on appeal, he may, within thirty (30) days, file a new motion for leave to appeal *in forma pauperis* with the United States Court of Appeals for the First Circuit. *See* Fed. R. App. P. 24(a)(5).<sup>2</sup>

The Clerk is directed to send Rasheed a copy of the form financial affidavit used by the United States Court of Appeals for the First Circuit.

The Clerk is also directed to transmit a copy of this Memorandum and Order to the First Circuit.

**So ordered.**

/s/ Denise J. Casper  
United States District Judge

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<sup>2</sup>Fed. R. App. P. 24(a)(5) provides:

A party may file a motion to proceed on appeal *in forma pauperis* in the court of appeals within 30 days after service of the notice [of the district court’s order denying the motion to proceed *in forma pauperis*]. The motion must include a copy of the affidavit filed in the district court and the district court’s statement of reasons for its action. If no affidavit was filed in the district court, the party must include the affidavit prescribed by Rule 24(a)(1).

Fed. App. P. 24(a)(5).