

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JUSTIN NEWKIRK,)	
)	
Movant,)	
)	
v.)	No. 4:23-CV-1069 HEA
)	
UNITED STATES OF AMERICA,)	
)	
Respondent,)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon movant’s motion for leave to proceed in forma pauperis on appeal. On September 25, 2023, the Court issued a Memorandum and Order denying movant’s motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255, because the Court determined movant’s motion to vacate was time-barred. The Court further ordered that no certificate of appealability should issue as to any claim raised in movant’s motion to vacate. Thus, having found that an appeal would not be taken in good faith, the Court denies movant’s motion to proceed in forma pauperis. *See* 28 U.S.C. § 1915(a)(3).

Accordingly,

IT IS HEREBY ORDERED that movant’s motion to proceed in forma pauperis on appeal [ECF No. 12] is **DENIED**.

IT IS FURTHER ORDERED that no certificate of appealability shall issue.

Dated this 9th day of February, 2024.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE