

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

RICKKE LEON GREEN,)
)
 Petitioner,)
)
 v.)
)
MARTY SIRMONS, Warden,)
)
 Respondent.)

No. CIV 07-378-JHP-KEW

**OPINION AND ORDER DENYING LEAVE TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

Petitioner has filed a motion to proceed *in forma pauperis* on appeal and supporting documentation [Docket #53]. To proceed on appeal *in forma pauperis*, petitioner must show that his appeal is taken in good faith and that he lacks the financial ability to pay the required fees. *See* 28 U.S.C. § 1915(a)(1) & (3); *McIntosh v. United States Parole Comm'n*, 115 F.3d 809, 812 (10th Cir. 1997). Having reviewed the record, the court finds petitioner has not presented a reasoned, nonfrivolous argument for appeal, and the appeal is not taken in good faith. Therefore, he is not entitled to proceed on appeal without prepayment of the filing fee. Petitioner is directed to forward the \$455.00 filing fee to the Court Clerk within twenty (20) days.

IT IS FURTHER ORDERED that the Court Clerk send a copy of this order to petitioner's custodian and to the trust fund officer at his institution.

ACCORDINGLY, petitioner's motion for leave to proceed *in forma pauperis* on appeal [Docket #53] is denied.

IT IS SO ORDERED this 15th day of July 2009.


James H. Payne
United States District Judge
Eastern District of Oklahoma