

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ALVIN PARKER,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-13-1365-D
)	
TERRY MARTIN, Warden,)	
)	
Respondent.)	

ORDER

Before the Court is Petitioner’s Request for Certificate of Appealability and Order for Leave to Proceed on Appeal In Forma Pauperis [Doc. No. 28], filed *pro se* on May 27, 2014. On the same date, Petitioner filed a Notice of Appeal from the Order of May 20, 2014, which denied a motion for relief from the Judgment pursuant to Fed. R. Civ. P. 59(e).

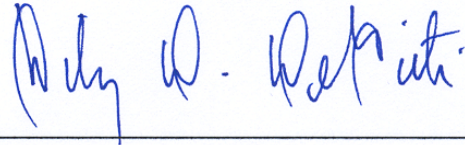
In the Order of May 8, 2014 [Doc. No. 23], which adopted a magistrate judge’s Report and Recommendation and granted Respondent’s Motion to Dismiss Second or Successive Habeas Petition, the Court considered the question of whether to issue a certificate of appealability (COA) and answered it adversely to Petitioner. The denial of a COA was included in the Judgment. Even liberally construed, Petitioner’s current filing provides no basis to revisit the prior ruling.

Further, although the caption of Petitioner’s filing suggests a request to proceed on appeal without prepayment of filing fees pursuant to 28 U.S.C. § 1915, Petitioner fails to include any financial information or to comply with the requirements of the statute. Petitioner has not previously requested or received *in forma pauperis* (IFP) status in this case. The record contains no financial affidavit or information from which to determine that Petitioner “is unable to pay such fees or give

security therefor.” *See* 28 U.S.C. § 1915(a)(1). Accordingly, the Court finds that Petitioner’s request to appeal IFP should be denied.

IT IS THEREFORE ORDERED that Petitioner’s Request [Doc. No. 28] is DENIED.

IT IS SO ORDERED this 2nd day of June, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE