

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

RICHARD DOPP, )
Petitioner, )
v. ) Case No. CIV-18-520-D
TERESA McCOIN, et al., )
Respondent. )

ORDER

Before the Court is Petitioner’s Motion for Leave to Proceed on Appeal Without Prepayment of Costs or Fees [Doc. No. 43], filed pursuant to 28 U.S.C. § 1915. Petitioner seeks authorization to appeal in forma pauperis (IFP) from the Judgment entered May 2, 2019, granting in part and denying in part his Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241.1 Upon consideration, the Court finds that Petitioner provides insufficient information to permit a determination of his Motion.


A court “has discretion in deciding whether or not to grant a civil litigant permission to proceed IFP.” Brewer v. City of Overland Park Police Dep’t, 24 F. App’x 977, 979 (10th Cir. 2002) (citing 28 U.S.C. § 1915(a)). To properly exercise that discretion, this Court must have information regarding Petitioner’s income and expenses. Nothing in this Motion reveals how Petitioner – who states he has no job, no income or other source of

1 Although Petitioner is subject to filing restrictions under 29 U.S.C. § 1915(g), the Tenth Circuit has held that a habeas action under § 2241 is not a “civil action” within the meaning of that provision. See Al-Pine v. Richerson, 763 F. App’x 717, 720 (10th Cir. 2019).

support, and no money or assets – meets his ordinary needs of daily living, including housing, food, medical care, and transportation costs, or the rental fee for the post office box where he receives his mail. Petitioner states generally in response to Question No. 4 that he receives food stamps, but he does not say how much and gives no further information about his monthly support during the past 12 months or his expected income next month. Petitioner has simply written “0” in every space in the form. The non-specific information Petitioner has provided “does not indicate an inability to pay the required filing fee.” *Raynor v. Wentz*, 357 F. App’x 968, 969 (10th Cir. 2009) (citing *Lister v. Dep’t of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005)).

IT IS THEREFORE ORDERED that Petitioner shall supplement his Motion by providing complete financial information with respect to Question No. 4 (including “Gifts” or “Other sources of money”), and an itemized response to Question No. 9, not later than July 19, 2019.

IT IS SO ORDERED this 28<sup>th</sup> day of June, 2019.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE