

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

<p>DAMION KENTRELL WHITE,</p> <p style="padding-left: 40px;">ID # 47819-177,</p> <p style="padding-left: 40px;">Movant,</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>No. 3:18-CV-2561-N-BH</p> <p>Referred to U.S. Magistrate Judge¹</p>
<p>vs.</p> <p>UNITED STATES OF AMERICA,</p> <p style="padding-left: 40px;">Respondent.</p>		

**RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

Before the Court is the movant's *Application to Proceed In Forma Pauperis* on appeal, received on July 13, 2021 (doc. 30), and accompanying certificate of inmate trust account.

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the findings, conclusions, and recommendation filed in this case on March 26, 2021 (doc. 24). The request is also denied because the movant has not established that he is a pauper. A review of the movant's certificate of inmate trust account shows that he has deposits totaling \$4,580 over the last six months, an average balance of \$2,633.31 for the 30 days preceding June 25, 2021, an account balance of \$1,885.35, and an average daily balance of \$704.09 over the last six months, all of which reflect sufficient funds to pay the applicable filing fees on appeal.

If the Court denies the request to proceed *in forma pauperis* on appeal, the movant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SIGNED this 15th day of July, 2021.


 IRMA CARRILLO RAMIREZ
 UNITED STATES MAGISTRATE JUDGE

¹By Amended Miscellaneous Order No. 6 (adopted by Special order No. 2-59 on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.