

**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>vs.</p> <p>UNITED STATES OF AMERICA,</p> <p style="padding-left: 40px;">Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	

**ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- () The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The request for leave to proceed *in forma pauperis* on appeal (doc. 30) is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the findings, conclusions, and recommendation filed in this case on March 26, 2021 (doc. 24). Based on that filing, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous. The request is also denied because the movant has not established that he is a pauper. His 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.

(X) Although this Court has denied leave 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).

DATE: July 16, 2021


UNITED STATES DISTRICT JUDGE