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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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SHAYNE E. TODD,

Petitioner,

v.

BRIAN NIELSON et al.,

Respondents.

**MEMORANDUM DECISION &  
ORDER ON MOTION TO PROCEED  
IN FORMA PAUPERIS ON APPEAL**

Case No. 2:19-cv-00700 DBB

District Judge David Barlow

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Petitioner, Shayne E. Todd, applies to proceed on appeal without prepaying the appellate filing fee. *See* 28 U.S.C.S. § 1915 (2023). However, Petitioner has not submitted two required pieces of information that would allow this Court to rule on the application: (1) “a *certified copy* of the trust fund account statement (or institutional equivalent) for the prisoner *for the 6-month period immediately preceding the filing of the [appeal]* . . . obtained from the appropriate official of each prison at which the prisoner is or was confined,” *see id.* § 1915(a)(2) (emphasis added); and (2) a showing of “the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal,” *Valles v. Hansen*, 743 F. App’x 162, 165 (10th Cir. 2018) (citing *DeBardleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991)); *see* 28 U.S.C.S. § 1915(a)(3) (2023) (“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”).

IT IS ORDERED that Petitioner must within thirty days file with the Court a *certified* copy of Petitioner’s inmate-account statement, for the six-month period before filing of the notice of appeal on November 21, 2022, and a document showing legally and factually based,

reasoned, nonfrivolous arguments supporting his appellate challenges. If Petitioner does not fully comply, his application will be denied.

DATED this 3rd day of August, 2023.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'David Barlow', is written over a horizontal line. The signature is stylized with a large initial 'D' and a long horizontal stroke extending to the right.

JUDGE DAVID BARLOW  
United States District Court