

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

REBECCA BARWIG,

Defendant.

Case No. 05-10155-JTM

MEMORANDUM AND ORDER

Presently before the court is defendant Rebecca Barwig's (Barwig's) motion for leave to appeal in forma pauperis (IFP). (Dkt. No. 50). For the following reasons, the court denies the motion without prejudice.

Generally, an application for IFP must contain an affidavit of financial status included in the application:

To obtain authorization to proceed in an action in forma pauperis, defendant must meet the requirements of 28 U.S.C. § 1915. First, she must submit an affidavit that includes a statement of all assets she possesses and shows that she is unable to pay or give security for the required fees. The affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress."

United States v. Moten, No. 03-40054-02, 2006 WL 897590, at *1 (D. Kan. Mar. 9, 2006) (citing 28 U.S.C. § 1915(a)(1)).

Additionally, an appeal may not be taken IFP if the trial court certifies in writing that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). Thus defendant's motion can be granted only in

the event she shows both “a financial inability to pay the required fees and the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal.”

McIntosh v. United States Parole Comm'n, 115 F.3d 809, 812 (10th Cir.1997).

In the current case, however, Barwig has simply submitted a letter requesting IFP status, without filling out the proper forms. Thus, her motion is denied, without prejudice. If she would like to proceed IFP, she will need to follow the guidelines described above.

IT IS ACCORDINGLY ORDERED this 10th day of April, 2008, that defendant Barwig’s motion for leave to appeal in forma pauperis (Dkt. No. 50) is denied without prejudice.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE