

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

KENDRICK WILSON

PLAINTIFF/APPELLANT

v.

CIVIL ACTION NO. 3:19CV-739-CRS

LOUISVILLE-JEFFERSON COUNTY
METRO GOVERNMENT *et al.*

DEFENDANTS/APPELLEES

ORDER

Plaintiff Kendrick Wilson filed a *pro se* application to proceed on appeal *in forma pauperis* (DN 70). He filed a notice of appeal (DN 69) on April 14, 2022, appealing this Court's Order and Judgment granting Defendant Louisville-Jefferson County Metro Government's motion for summary judgment and dismissing the action entered on June 29, 2021 (DN 68).

Under Federal Rule of Appellate Procedure 24(a), if the district court certifies that an appeal would not be taken in good faith, or otherwise denies leave to appeal *in forma pauperis*, the appellant must file a motion to proceed *in forma pauperis* in the appellate court. *See* Fed. R. App. P. 24(a)(4)-(5). For the same reasons that led the Court to grant Defendants' motions for summary judgment (DNs 65 and 68) and because the notice of appeal was not filed within 30 days after the entry of judgment as required under Fed. R. App. P. 4(a)(1)(A), the Court **certifies** that an appeal of the action would not be taken in good faith. **IT IS THEREFORE ORDERED** that the application to proceed on appeal without prepayment of fees (DN 70) is **DENIED**.

In order for Plaintiff to proceed with an appeal of this action, **he must either (1) pay the \$505.00 appellate filing fee in full to the Clerk of the District Court within 30 days of receiving notice of this Order or (2) file a motion to proceed on appeal *in forma pauperis* in the United States Court of Appeals for the Sixth Circuit within 30 days of receiving notice**

of this Order in accordance with Fed. R. App. P. 24(a)(5). *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

Should Plaintiff choose to pay the full \$505.00 appellate filing fee rather than file a motion to proceed on appeal *in forma pauperis* in the Court of Appeals, payment shall be made payable to **Clerk, U.S. District Court** and mailed to or made in person at the following address:

United States District Court
Western District of Kentucky
106 Gene Snyder Courthouse
601 West Broadway
Louisville, KY 40202

Failure either to pay the \$505.00 filing fee or to file an application to proceed on appeal *in forma pauperis* with the United States Court of Appeals for the Sixth Circuit **within 30 days** may result in **dismissal** of Plaintiff's appeal. *Callihan*, 178 F.3d at 804.¹

Pursuant to Fed. R. App. P. 24(a)(4), the Clerk of Court is **directed** to send a copy of this order to the parties and to the United States Court of Appeals for the Sixth Circuit.

Date: May 9, 2022



Charles R. Simpson III, Senior Judge
United States District Court

cc: Plaintiff, *pro se*
Clerk, United States Court of Appeals for the Sixth Circuit (No. 21-5318)
4415.010

¹ In *Callihan*, 178 F.3d at 804, the Sixth Circuit held as follows:

If the individual does not file a motion within thirty days of receiving notice of the district court's decision as required by Rule 24(a)(5), or fails to pay the required fee within this same time period, the appeal will be dismissed for want of prosecution. Once dismissed for want of prosecution, the appeal will not be reinstated, even if the filing fee or motion for pauper status is subsequently tendered, unless the individual can demonstrate that he or she did not receive notice of the district court's decision within the time period prescribed for by Rule 24(a)(5).