

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DERRICK KIM PATTERSON,

Petitioner,

v.

WARDEN RICARDO MARTINEZ,
Federal Correctional Institution,
Oxford, Wisconsin,

Respondent.

ORDER

07-C-492-C

On October 18, 2007, I denied petitioner's October 15, 2007 motion for leave to proceed in forma pauperis on appeal from the October 1, 2007 order dismissing for lack of jurisdiction his § 2255 motion styled as a petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2241. In the same order, I certified that petitioner's appeal was not taken in good faith. I told petitioner that if he intended to challenge this court's certification that his appeal is not taken in good faith, he would have 30 days from the date he received the October 18 order in which to file *with the court of appeals* a motion for leave to proceed in forma pauperis on appeal. I told him as well that his motion must be accompanied by a copy of the affidavit prescribed in the first paragraph of Fed. R. App. P. 24(a) and a copy of

the October 18 order.

Now, for reasons hard to understand, petitioner has filed in this court a new motion for leave to proceed in forma pauperis on appeal. I do not believe that petitioner intended this motion to be filed in the Court of Appeals for the Seventh Circuit as suggested in the October 18 order for several reasons. It is not captioned for the court of appeals. It is not accompanied by the affidavit Fed. R. App. P. 24(a)(1) requires. And it is not accompanied by a copy of this court's October 18 order. Moreover, the docket in the court of appeals for petitioner's appeal reveals that petitioner filed a motion to proceed in forma pauperis in that court on October 29, 2007. Therefore, petitioner's recent submission appears to be nothing more than petitioner's second attempt to obtain from this court pauper status on appeal.

For the reasons stated in this court's order of October 18, 2007, petitioner's second request for leave to proceed in forma pauperis on appeal is DENIED.

Entered this 6th day of November, 2007.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge