

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted October 22, 2020
Decided November 2, 2020

Before

DIANE S. SYKES, *Chief Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 20-1440

THOMAS POWERS,
Petitioner-Appellant,

Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 19-cv-50069

Philip G. Reinhard,
Judge.

GREG SCOTT,
Respondent-Appellee.

ORDER

Thomas Powers has filed a notice of appeal from the denial of his petition under 28 U.S.C. § 2254, which we construe as a request for a certificate of appealability. This court has reviewed the final order of the district court and the record on appeal. We find no substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2).

Accordingly, the request for a certificate of appealability is DENIED. We also DENY Carter's motion for appointed counsel.

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

Thomas Powers (N-91586),	)	
Petitioner,	)	
	)	Case No. 19 C 50069
	)	
	)	
	)	
Gregg Scott, Director,	)	
Rushville Treatment and Detention Facility,	)	Judge Phillip G. Reinhard
Respondent.	)	

ORDER

The court denies petitioner's motion for leave to appeal *in forma pauperis* [34] without prejudice to reconsideration should he renew his motion in compliance with this order. Petitioner is given until April 17, 2020, to either file an *in forma pauperis* application on the enclosed form with the information required by 28 U.S.C. § 1915(a)(2) or to pay the \$505.00 appeal fee. If petitioner takes no action by that date, the Seventh Circuit may dismiss his appeal for nonpayment. The Clerk of Court is instructed to send petitioner a blank *in forma pauperis* application form from the Seventh Circuit with instructions, and also send a copy of this order to the Clerk of Court, United States Court of Appeals for the Seventh Circuit.

STATEMENT

Petitioner Thomas Powers, a detainee at Rushville Treatment and Detention Facility, brought a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his pretrial "sexually violent person" ("SVP") detention status. On March 6, 2020, the court dismissed petitioner's writ finding his state law arguments not cognizable under federal habeas law. The court further found petitioner did not exhaust his state court remedies of his federal claims and presented no evidence of any "exceptional circumstances" to justify his claims falling outside of abstention under *Younger v. Harris*, 401 U.S. 37 (1971). See [30]. Petitioner appeals the court's decision and brings the present motion for leave to proceed *in forma pauperis* on appeal [34].

The motion is denied without prejudice. Petitioner has not filed the *in forma pauperis* application required by the United States Court of Appeals for the Seventh Circuit. Petitioner is granted leave to file a new motion for leave to proceed *in forma pauperis* on appeal on the Seventh Circuit court's form and have an authorized official provide information regarding petitioner's trust fund account, including a copy of his trust fund account ledger. Petitioner must also write the case number in the space provided for it. Alternatively, petitioner must pay the \$505.00 dollar filing fee to the Clerk of Court, United States District Court for the Northern District of Illinois, 219 S. Dearborn, 20th Floor, Chicago, IL 60604 if he does not file an IFP application. Petitioner must ensure that his case number is on a check sent to the court if he pays the filing fee. Failure

App. A.

to provide a proper *in forma pauperis* application or pay the filing fee may result in the dismissal of petitioner's appeal by the Seventh Circuit.

Date: 03/20/2020

ENTER:

Philip G. Reinhard
United States District Court Judge

Notices mailed by Judicial Staff. (LC)

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1000 1st St. N. W.
Washington, D. C.

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Washington, D. C.

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