

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 22-1915

Courtney Green

Appellant

v.

Midwest Genealogy Center

Appellee

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Appeal from U.S. District Court for the Western District of Missouri - Kansas City  
(4:21-cv-00932-FJG)

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**ORDER**

The petition for rehearing by the panel is denied.

August 17, 2022

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 22-1915

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Courtney Green

Plaintiff - Appellant

v.

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Defendant - Appellee

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(4:21-cv-00932-FJG)

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**JUDGMENT**

Before LOKEN, COLLTON, and KOBES, Circuit Judges.

The court has carefully reviewed the original file of the United States District Court and orders that this appeal be dismissed for lack of jurisdiction as the appeal is untimely. Appellant's motion for leave to proceed in forma pauperis is denied as moot.

July 07, 2022

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

COURTNEY GREEN, )  
Plaintiff, )  
vs. ) Case No. 4:21-cv-00932-FJG  
MIDWEST GENEALOGY CENTER, )  
Defendant. )

**ORDER**

Pending before the Court is Plaintiff's Motion for Extension of Time to File Appeal (Doc. No. 4).

Plaintiff's motion for an extension of time to file an appeal states, in full, "The Defendant [sic] Courtney Green is requesting a motion for an extension to file an appeal in case 4:21-cv-00932-FJG closed on 01/10/2022. The defendant [sic] has sent in motion to reconsider along with supporting documentation but has not received any updates or replies from the Court." The Court notes that the time for appealing its Order denying Plaintiff's motion for leave to proceed in forma pauperis has long passed, as the Order (Doc. No. 3) was entered on January 10, 2022. The next docket entry made in Case No. 21-00932 is the motion for extension of time to file an appeal, made over three months later. The Court notes, however, that plaintiff filed a separate motion for leave to file in forma pauperis in a case involving the same defendant, Case No. 4:22-cv-00083-FJG, on February 9, 2022. The Court denied that motion on February 28, 2022. No further filings have been made in case No. 22-0083.

The 30-day deadline for filing a notice of appeal has expired for both Case No. 21-00932 and Case No. 22-00083, see Fed. R. App. P. 4(a)(1)(A)). Upon consideration, Plaintiff's motion for extension of time will be **DENIED**, as plaintiff failed to timely move for an extension of time after the Court entered its order in Case Nos. 21-00932 and 22-00083, and plaintiff has not shown good cause or excusable neglect for missing the appeal deadline in either of those cases. See Fed. R. App. P. 4(a)(5).

**IT IS SO ORDERED.**

Date: May 9, 2022  
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.  
Fernando J. Gaitan, Jr.  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

COURTNEY GREEN, )  
Plaintiff, )  
vs. ) Case No. 4:21-cv-00932-FJG  
MIDWEST GENEALOGY CENTER, )  
Defendant. )

**ORDER**

Currently pending before the Court is plaintiff's Motion for Leave to Proceed in Forma Pauperis (Doc. No. 1). Pursuant to 28 U.S.C. § 1915, this Court may authorize the commencement or prosecution of any suit without prepayment of fees when an applicant files an affidavit stating that he is unable to pay the costs of the lawsuit, and the Court determines that the lawsuit is not frivolous or malicious.

The Court must exercise its discretion in determining whether an applicant is sufficiently impoverished to qualify under § 1915. Cross v. General Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983), cert. denied, 466 U.S. 980 (1984). Such showing of poverty is sufficient if the applicant would become completely destitute or be forced to give up the basic necessities of life if required to pay the costs of the lawsuit. Adkins v. E.I. Du Pont de Nemours & Co., 335 U.S. 331, 339 (1948); Local Rule 83.7(c).

Plaintiff's affidavit states that she is single and 29 years old with no dependents. She indicates that she is employed as a retail merchandiser for the past two months, earning a gross income of \$1,800 monthly. Plaintiff indicates that she does not own an automobile or real property. She indicates that she received \$8,000 in unemployment

benefits over the past 12 months, and that those benefits expired on September 13, 2021.

Plaintiff states her monthly rental or house payment obligation is "n/a." Plaintiff otherwise indicates that her monthly obligations include the following: \$850 in household expenses; \$150 in grocery expenses. Plaintiff lists no other expenses.

Based upon the information provided in plaintiff's affidavit, the Court cannot determine that plaintiff is sufficiently impoverished to be granted leave to proceed in forma pauperis. Therefore, the Court will **DENY** plaintiff's application for leave to file this action without payment of fees (Doc. No. 1). If plaintiff wishes to file her Complaint, she shall pay the filing fee on or before **March 7, 2022**.

**IT IS SO ORDERED.**

Date: January 10, 2022  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
Chief United States District Judge

**U.S. District Court**  
**Western District of Missouri (Kansas City)**  
**CIVIL DOCKET FOR CASE #: 4:21-cv-00932-FJG**  
***Internal Use Only***

Green v. Midwest Genealogy Center  
Assigned to: District Judge Fernando J. Gaitan, Jr  
Demand: \$20,000  
related Case: 4:22-cv-00083-FJG  
Cause: 48:1985 Conspiracy/Deprivation Civil Rights

Date Filed: 12/27/2021  
Date Terminated: 01/10/2022  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Courtney Green**  
green7126@gmail.com

represented by **Courtney Green**  
PO Box 5011  
Kansas City, MO 64130  
503-902-7898  
Email:  
PRO SE

V.

**Defendant**

**Midwest Genealogy Center**

Email All Attorneys  
Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
12/27/2021	1		MOTION for leave to proceed in forma pauperis filed by Courtney Green. Suggestions in opposition/response due by 1/10/2022 unless otherwise directed by the court. (Attachments: # 1 Complaint, # 2 Envelope)(Woods, Gloria) (Additional attachment(s) added on 1/3/2022: # 3 Civil Cover Sheet) (Woods, Gloria). (Entered: 12/28/2021)
01/03/2022	2		FINANCIAL AFFIDAVIT by Courtney Green. (Woods, Gloria) (Entered: 01/03/2022)
01/10/2022	3		ORDER denying 1 motion for leave to proceed in forma pauperis. Signed on 1/10/22 by District Judge Fernando J. Gaitan, Jr. (Diefenbach, Tracy) Copy of this order mailed to: Courtney Green, PO Box 5011, Kansas City, MO 64130. (Entered: 01/10/2022)
04/13/2022	4		MOTION for extension of time to file appeal filed by Courtney Green. Suggestions in opposition/response due by 4/27/2022 unless otherwise directed by the court. (Attachments: # 1 Envelope)(Houston, Kiambu) (Entered: 04/15/2022)
04/29/2022	5		PRO SE NOTICE OF APPEAL as to 3 Order on Motion for Leave to Proceed in forma pauperis by Courtney Green. Appeal filing fee not paid. (Crocker, Susan)

		(Entered: 04/29/2022)
04/29/2022	6	TRANSMISSION of Notice of Appeal Supplement to US Court of Appeals, 8th Circuit via electronic mail. Related document 5 Notice of Appeal. (Terry, Jason) (Entered: 04/29/2022)

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

Courtney Green

Plaintiff/Petitioner

)  
Case No. 4:21-cv-00932-FJG

Midwest Genealogy

Defendant/Respondent

**NOTICE OF APPEAL  
TO THE US COURT OF APPEALS FOR THE eighth CIRCUIT**

Notice is hereby given that I Courtney Green the

Name of party taking the appeal

Plaintiff hereby appeal to the United States Court of Appeals for  
plaintiff, petitioner, defendant or respondent

the Eighth Circuit from the final judgment closed or an order of dismissal

name of the circuit

check this one

or this one

entered in this action on the 10 day of Janurary, 2022

Signed 19

Attorney for

Address: Po Box 22444  
Kansas City, MO 64113

Phone: (816) 316-9139

Fax:

E-Mail: green7126@gmail.com

RECEIVED

APR 29 2022 10:45

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF MO  
KANSAS CITY, MO

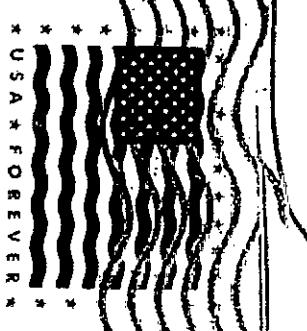
Courtney Green  
P O Box 22444  
Kansas City, MO 64113

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64106-260793

U. S. COURT OF APPEALS - EIGHTH CIRCUIT  
NOTICE OF APPEAL SUPPLEMENT

MISSOURI WESTERN DISTRICT - KANSAS CITY

Please note any additions or deletions to the style of the case from the style listed on the docket sheet (or attach an amended docket sheet with the final style of the case).

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Case Caption: Green v. Midwest Genealogy  
Center

Case No. 21-cv-00932-FJG

Appellant: **Courtney Green**

Appellee: **Midwest Genealogy Center**

Appellant's Attorney(s):

Appellee's Attorney(s):

**Courtney Green**

PO Box 5011  
Kansas City, MO 64130  
503-902-7898  
Email:  
PRO SE

Court Reporter(s):

None

Please return files and documents to:

**United States District Court  
400 East 9<sup>th</sup> Street, Room 1510  
Kansas City, MO 64106**

Contact Person for Appeal:

Jason\_Terry@mow.uscourts.gov

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Length of Trial:	Fee:	IFP:	Pending IFP Motion:
0	Not Paid	No	No
Counsel:	Pending Motions?	Local Interest?	Simultaneous Release?
Pro Se	Yes	No	No

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**Special Comments:**