

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

No: 22-2468

Courtney Green

Appellant

v.

Kansas City Public Library, Trails West Branch

Appellee

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:21-cv-00933-FJG)

ORDER

The petition for rehearing by the panel is denied.

September 07, 2022

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

/s/ Michael E. Gans

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

No: 22-2468

Courtney Green

Plaintiff - Appellant

v.

Kansas City Public Library, Trails West Branch

Defendant - Appellee

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:21-cv-00933-FJG)

JUDGMENT

Before LOKEN, COLLOTON, and GRASZ, 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 28, 2022

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

/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-00933-FJG
KANSAS CITY PUBLIC LIBRARY,)
TRAILS WEST BRANCH,)
Defendant.)

ORDER

Currently pending before the Court is plaintiff's Motion to Vacate Order of Dismissal and Reopen Case ([Doc. No. 11](#)). On January 10, 2022, the Court denied Plaintiff's motion to proceed in forma pauperis ([Doc. No. 4](#)). On April 13, 2022, the Court denied Plaintiff's motion for reconsideration ([Doc. No. 7](#)). Furthermore, on May 9, 2022, the Court denied plaintiff's motion for extension of time to file an appeal ([Doc. No. 9](#)). After reviewing plaintiff's most recent submission, the Court finds no reason to vacate any of its prior orders. Therefore, plaintiff's motion ([Doc. No. 11](#)) is **DENIED**.

IT IS SO ORDERED.

Date: July 8, 2022
Kansas City, Missouri

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

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

Courtney Green
Plaintiff/Petitioner

Case No. 4:21-cv-00933-FJG

Kansas City Public Library Branch
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 or an order ✓

name of the circuit

check this one

or this one

entered in this action on the 10 day of January, 2022.

Signed CJ

Attorney for

Address: Po Box 72444
Kansas City, Mo 64173

Phone: _____

Fax: _____

E-Mail: green7126@gmail.com

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

COURTNEY GREEN,)
vs.)
Plaintiff,)
vs.) Case No. 4:21-cv-00933-FJG
KANSAS CITY PUBLIC LIBRARY,)
TRAILS WEST BRANCH,)
Defendant.)

ORDER

Pending before the Court is Plaintiff's Motion for Extension of Time to File Appeal (Doc. No. 8).

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-00933-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. Plaintiff filed a motion for reconsideration on March 24, 2022 (after the 30-day deadline for filing a notice of appeal had already expired, see Fed. R. App. P. 4(a)(1)(A)). The Court denied the motion for reconsideration on April 13, 2022. See Order, Doc. No. 7.

Upon consideration, plaintiff's motion for extension of time to file an appeal is **DENIED**, as plaintiff failed to timely move for an extension of time after the Court entered

its Order on January 10, 2022, and plaintiff has not shown good cause or excusable neglect for missing the appeal deadline. 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-00933-FJG
KANSAS CITY PUBLIC LIBRARY,)
TRAILS WEST BRANCH,)
Defendant.)

ORDER

Currently pending before the Court is plaintiff's Motion to Reconsider ([Doc. No. 6](#)).

Specifically, plaintiff seeks reconsideration of the Court's Order dated January 10, 2022, denying her motion to proceed in forma pauperis ([Doc. No. 4](#)). The Court has reviewed plaintiff's submissions and finds that reconsideration is not warranted. Therefore, plaintiff's motion ([Doc. No. 6](#)) is **DENIED**. Moreover, to the extent that plaintiff in this motion is seeking reconsideration of orders entered in Case Nos. 21-0932, 21-0942 and 21-0943, the Court **DENIES** those requests as well.

IT IS SO ORDERED.

Date: April 13, 2022
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief 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-00933-FJG
KANSAS CITY PUBLIC LIBRARY,)
TRAILS WEST BRANCH,)
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-00933-FJG
Internal Use Only

Green v. Kansas City Public Library
Assigned to: District Judge Fernando J. Gaitan, Jr
Demand: \$20,000
related Case: 4:22-cv-00084-FJG
Cause: 48:1985 Conspiracy/Deprivation Civil Rights

Date Filed: 12/28/2021
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

Kansas City Public Library

Trails West Branch

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)
12/28/2021			NOTICE OF MAGISTRATE JUDGE ASSIGNMENT as to Plaintiff: All parties must file the Notice Regarding Magistrate Judge Jurisdiction Form consenting to or opting out of the Magistrate Judge assignment. Click here for instructions. Form due by 1/18/2022 unless otherwise directed by the court. A paper copy of the Notice of Magistrate Judge Assignment was mailed to the Pro Se Plaintiff at the addresses provided on the complaint and civil cover sheet. Instructions were provided to complete and return promptly.(Woods, Gloria) (Entered: 12/28/2021)
01/03/2022	2		FINANCIAL AFFIDAVIT by Courtney Green. (Woods, Gloria) (Entered: 01/03/2022)

01/03/2022	<u>3</u>	ORDER TRANSFERRING/REASSIGNING CASE. Case reassigned to District Judge Fernando J. Gaitan, Jr for all further proceedings. Magistrate Judge Lajuana M. Counts no longer assigned to case. Please note the new case number is 4:21-CV-00933-FJG. Signed on January 3, 2022 by Magistrate Judge Lajuana M. Counts. (Chorny, Traci) Modified on 1/3/2022 **A copy of this order has been sent via first-class US Mail to Courtney Green, PO Box 5011, Kansas City, MO 64130. (Chorny, Traci). (Entered: 01/03/2022)
01/10/2022	<u>4</u>	ORDER denying <u>1</u> 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)
01/21/2022	<u>5</u>	MOTION for extension of time for plaintiff to amend complaint in response to both defendant's motion to dismiss and their opposition to plaintiff's motion for injunctive relief filed by Courtney Green. Suggestions in opposition/response due by 2/4/2022 unless otherwise directed by the court. (Submitted on 1/21/2022 via EDSS)(Houston, Kiambu) (Entered: 01/21/2022)
01/21/2022		NOTICE OF DOCKET MODIFICATION. A modification has been made to the document filed on 1/21/2022 as Document No. 5, Motion for extension of time. The document has been deleted as it was filed in the incorrect case. This is a text entry only – no document is attached. (Houston, Kiambu) (Entered: 01/21/2022)
03/24/2022	<u>6</u>	MOTION for reconsideration re <u>4</u> Order on Motion for Leave to Proceed in forma pauperis filed by Courtney Green. Suggestions in opposition/response due by 4/7/2022 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Related document(s) <u>4</u>) (Houston, Kiambu) (Entered: 03/25/2022)
04/13/2022	<u>7</u>	ORDER – DENYING <u>6</u> plaintiff's pro se motion for reconsideration. Signed on 4/13/22 by District Judge Fernando J. Gaitan, Jr. (Anderson, Christy) Copy of Order mailed via first class mail to Courtney Green at PO Box 5011, Kansas City, MO 64130. (Entered: 04/13/2022)
04/14/2022	<u>8</u>	MOTION for extension of time filed by Courtney Green. Suggestions in opposition/response due by 4/28/2022 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Houston, Kiambu) (Entered: 04/15/2022)
05/09/2022	<u>9</u>	ORDER denying <u>8</u> motion for extension of time. Signed on 5/9/2022 by District Judge Fernando J. Gaitan, Jr. (Houston, Kiambu) Modified on 5/9/2022 to reflect a copy of the order mailed to Courtney Green PO Box 22444 Kansas City, MO 64113 (Woods, Gloria). (Entered: 05/09/2022)
05/17/2022	<u>10</u>	FINANCIAL AFFIDAVIT by Courtney Green. (Houston, Kiambu) (Entered: 05/25/2022)
05/23/2022	<u>11</u>	MOTION to vacate order of dismissal and reopen case filed by Courtney Green. Suggestions in opposition/response due by 6/6/2022 unless otherwise directed by the court. (Houston, Kiambu) (Entered: 05/25/2022)
05/23/2022	<u>12</u>	NOTICE OF APPEAL as to <u>4</u> Order on Motion for Leave to Proceed in forma pauperis by Courtney Green. Filing fee \$ 0.00, receipt number not paid. (Houston, Kiambu) (Main Document 12 replaced on 5/25/2022) (Houston, Kiambu). (Entered: 05/25/2022)

07/08/2022	<u>13</u>	<p>ORDER – DENYING <u>11</u> plaintiff's pro se Motion to vacate Order of Dismissal and Reopen case. Signed on 7/8/22 by District Judge Fernando J. Gaitan, Jr. (Anderson, Christy)</p> <p>Copy of Order mailed via first class mail to Courtney Green at PO Box 5011, Kansas City, MO 64130. (Entered: 07/08/2022)</p>
07/08/2022	<u>14</u>	<p>TRANSMISSION of Notice of Appeal Supplement to US Court of Appeals, 8th Circuit via electronic mail. Related document <u>12</u> Notice of Appeal. (Terry, Jason) (Entered: 07/08/2022)</p>