

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

No: 22-2469

Courtney Green

Appellant

v.

Kansas City Public Library, Waldo Branch

Appellee

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Appeal from U.S. District Court for the Western District of Missouri - Kansas City  
(4:21-cv-00943-FJG)

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**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.

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/s/ Michael E. Gans

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Defendant - Appellee

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**JUDGMENT**

Before LOKEN, COLLTON, 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.

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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-00943-FJG  
KANSAS CITY PUBLIC LIBRARY, )  
WALDO BRANCH, )  
Defendant. )

## ORDER

Currently pending before the Court is plaintiff's Motion to Vacate Order of Dismissal and Reopen Case ([Doc. No. 8](#)). On January 10, 2022, the Court denied Plaintiff's motion to proceed in forma pauperis ([Doc. No. 4](#)). Furthermore, on May 9, 2022, the Court denied plaintiff's motion for extension of time to file an appeal ([Doc. No. 6](#)). 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. 8](#)) 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  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

## ORDER

Pending before the Court is Plaintiff's Motion for Extension of Time to File Appeal (Doc. No. 5).

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-00943-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. 4](#)) was entered on January 10, 2022. The next docket entry made in Case No. 21-00943 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-00086-FJG, on February 9, 2022. The Court denied that motion on February 28, 2022. No further filings have been made in case No. 22-0086.

The 30-day deadline for filing a notice of appeal has expired for both Case No. 21-00943 and Case No. 22-00086, 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. 21-00943 and 22-00086, 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-00943-FJG  
KANSAS CITY PUBLIC LIBRARY, )  
WALDO 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