

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

CHRISTOPHER RAY GRIDER,

Defendant.

Case No. 21cr22 (CKK)
(Appeal No. 23-3103)

ORDER

(July 6, 2023)

Presently before the Court are Christopher Ray Grider's [182] Motion for Appointment of Counsel [on Appeal] and [183] Motion for Leave to Appeal *in forma pauperis*, which were consolidated into one motion (docketed as ECF [182]) and filed simultaneously with Mr. Grider's [181] Notice of Appeal. Pursuant to 28 U.S.C. § 1915(a)(1), the Court may permit the petitioner to prosecute his appeal without paying the filing fee if he files an affidavit indicating that he is unable to pay the fee. However, "[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). An appeal is not taken in good faith if it is "plainly frivolous." *Wooten v. D.C. Metro. Police Dep't*, 129 F.3d 206,208 (D.C. Cir. 1997).

Mr. Grider is appealing this Court's [178] June 16, 2023 Judgment, which was entered after this Court held a bench trial. In his [182-1] Affidavit Accompanying [his] motions, he alleges that, *inter alia*, "[t]he trial court erred in denying pretrial motions . . . excluding evidence offered on [his] behalf . . . in the application of the Sentencing Guidelines . . . [and] its assessment of [his] sentence." This Court finds that Mr. Grider's appeal is not plainly frivolous and is taken in good faith as required by 28 U.S.C. §

1915(a)(3).


Furthermore, while Mr. Grider's Affidavit indicates that his combined income from employment and disability exceeds his estimated monthly expenses (and is close to equal to his family monthly expenses), he states credibly that once he is incarcerated in July 2023, he will no longer be earning income. That statement, along with his signed affidavit of indigency support Mr. Grider's inability to pay the filing fee. Accordingly, it is this 6th day of July 2023, hereby

ORDERED that Mr. Grider's [182] Motion for Appointment of Counsel [on appeal] is REFERRED FOR RESOLUTION by the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") and it is further

ORDERED that Defendant Christopher Grider's [183] Motion for Leave to Appeal *in forma pauperis* is GRANTED and it is further

ORDERED that the Clerk of the Court shall transmit a copy of this order to the D.C. Circuit.

SO ORDERED.


COLLEEN KOLLAR-KOTELLY
UNITED STATES DISTRICT JUDGE