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

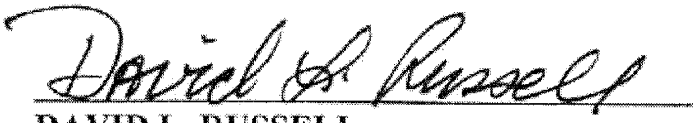
U.S. COMMODITY FUTURES TRADING COMMISSION and OKLAHOMA DEPARTMENT OF SECURITIES *ex rel* IRVING FAUGHT,	)	
Plaintiffs,	)	
v.	)	**Case No. CIV-09-1284-R**
PRESTIGE VENTURES CORP., a Panamanian corporation, FEDERATED MANAGEMENT GROUP, INC., a Texas corporation, KENNETH WAYNE LEE, an individual, and SIMON YANG (a/k/a XIAO YANG, a/k/a SIMON CHEN, an individual,	)	
Defendants.	)	
and	)	
SHEILA M. LEE, an individual, DAVID A. LEE, an individual, and DARREN E. LEE, an individual,	)	
Relief Defendants.	)	

ORDER

Before the Court is Relief Defendant David Lee's motion for leave to proceed *in forma pauperis* on appeal [Doc. No. 152]. To proceed *in forma pauperis* on appeal, David Lee must show that his appeal is taken in good faith and that he lacks the financial ability to pay the required appellate fees. *See* 18 U.S.C. § 1915(a)(1) & (a)(3). Having reviewed his motion and financial declaration, the Court finds that David Lee lacks the financial ability to pay the required fees. However, the Court finds that his appeal is not taken in good faith because he has

not shown the existence of a reasoned, non-frivolous argument on the law and facts in support of the issues raised on appeal. *DeBardeleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991). Specifically the Court notes that David Lee failed to either file a response to Plaintiff's motion for summary judgment or to appear for trial. Accordingly, David Lee's motion for leave to proceed *in forma pauperis* on appeal [Doc. No. 152] is DENIED.

IT IS SO ORDERED this 13th day of January 2011.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE