

Quentin M. Rhoades
State Bar No. 3969
SULLIVAN, TABARACCI & RHOADES, P.C.
1821 South Avenue West, Third Floor
Missoula, MT 59801
Telephone: (406) 721-9700
Facsimile: (406) 721-5838
gmr@montanalawyer.com

Attorneys for Defendant/Appellant

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

UNITED STATES OF AMERICA,

Plaintiff/Appellee,

v.

HOLLIS WAYNE FINCHER,

Defendant/Appellant.

Appeal No. 07-2514/2888

**MOTION FOR RECONSIDERATION
OF DEFENDANT'S IFP STATUS**

COMES NOW, Appellant Hollis Wayne Fincher ("Fincher"), by and through his counsel of record and hereby moves the Court for Reconsideration of his IFP Status.

On August 27, 2007, the Court issued an order ruling it would not further address Appellant's in forma pauperis request on grounds he has retained counsel. He does not, however, have any financial resources upon which he could draw to pay the costs of transcripts and the like. Meanwhile, the court reporter estimates the trial

transcript will cost approximately \$3,000.00. Fincher is unable to perfect his appeal because he has insufficient financial resources, as explained more fully in his brief filed on August 10, 2007, to satisfy this cost. In light of the exigency, the Court is respectfully requested to consider and rule on the issue of Fincher's IFP status.

DATED this 30th day of August, 2007.

SULLIVAN, TABARACCI & RHOADES, P.C.

By: /s/ Quentin M. Rhoades
Quentin M. Rhoades
Attorneys for Appellant Fincher

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of August, 2007, a copy of the foregoing document was served on the following persons by the following means:

| | |
|---------------|----------------------------|
| <u> 1 </u> | CM/ECF |
| <u> </u> | Hand Delivery |
| <u> 2 </u> | Mail |
| <u> </u> | Overnight Delivery Service |
| <u> </u> | Fax |
| <u> </u> | E-Mail |

1. Wendy L. Johnson
U.S. Attorney's Office
Western District of Arkansas
P.O. Box 1524
Fort Smith, AR 72902-1524

Mr. Christopher R. Johnson
U.S. District Court
Western District of Arkansas Clerk's Office
35 E. Mountain Street, Suite 510
Fayetteville, AR 72702

2. Hollis Wayne Fincher
Federal Correctional Institution
FCI Forrest City Low Inmate Mail
P.O. Box 9000
Forrest City, AR 72336

 /s/ Quentin M. Rhoades