

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Cordova v. Textron Aviation, Inc.

No. 23-1233-DDC (D. Kan. Dec. 10, 2025) · No. 23-1233-DDC · Decided December 10, 2025

SUMMARY

The United States District Court for the District of Kansas denied Erika Cordova’s motion to proceed in forma pauperis on appeal, finding that she had not demonstrated financial inability to pay and had not identified a reasoned, nonfrivolous appellate argument. The court certified that the appeal was not taken in good faith. The court also denied her motion for relief from procedural error in part as moot and in part on the merits, including denying her request for appointed appellate counsel.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Daniel D. Crabtree
JURISDICTION	United States District Court for the District of Kansas
DECIDED	December 10, 2025
DOCKET	23-1233-DDC
DISPOSITION	other
PROCEDURAL POSTURE	After granting summary judgment for defendant and entering judgment, the district court considered plaintiff’s motion to proceed in forma pauperis on appeal, motion to excuse alleged delay in notifying defendant of her intent to appeal, and request for appointment of appellate counsel.
STANDARD OF REVIEW	The court evaluated the IFP motion under 28 U.S.C. § 1915(a)(1) and Federal Rule of Appellate Procedure 24(a)(1), requiring financial inability to pay and a reasoned, nonfrivolous appellate argument. It evaluated appointment of counsel under the factors stated in Castner v. Colorado Springs Cablevision.
PRECEDENTIAL VALUE	Unknown; district court memorandum and order with no reporter citation.
PARTIES	Erika Cordova v. Textron Aviation, Inc.

TOPICS

appellate procedure

civil procedure

title vii

employment discrimination

attorney fees

PRACTICE AREAS

appellate procedure

civil procedure

employment law

civil rights

QUESTIONS PRESENTED

1. Whether Cordova demonstrated financial inability to pay appellate filing fees sufficient to proceed in forma pauperis.
2. Whether Cordova identified a reasoned, nonfrivolous issue for appeal.
3. Whether her request to excuse delayed notification of her intent to appeal was moot.
4. Whether Cordova satisfied the requirements for appointment of counsel on appeal in a Title VII case.

HOLDINGS

1. Cordova failed to establish that she was financially unable to pay the appellate filing fee because her combined income, savings, and assets demonstrated sufficient funds.
2. Cordova failed to satisfy the nonfrivolous-argument requirement for appellate IFP status, and the court certified that her appeal was not taken in good faith.
3. The request was moot because Cordova's notice of appeal was filed within the thirty-day period prescribed for a civil appeal.
4. Cordova failed to make the affirmative showings required for appointment of counsel in a Title VII case, including financial inability, diligence in attempting to secure counsel, and meritorious discrimination allegations.

KEY QUOTATIONS

“To appeal IFP, a plaintiff must “demonstrate [1] a financial inability to pay the required filing fees and [2] the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal.”” (I.A)

“Before appointing counsel, our Circuit requires that a “plaintiff must make affirmative showings of (1) financial inability to pay for counsel, (2) diligence in attempting to secure counsel and (3) meritorious allegations of discrimination.”” (II)

FACTUAL BACKGROUND

Cordova brought employment discrimination, harassment, and retaliation claims against Textron Aviation based on sex, race, and national origin under Title VII and 42 U.S.C. § 1981. After summary judgment was entered for Textron, Cordova sought to appeal without prepaying fees and asserted that counsel had failed to submit important evidence. Her financial affidavit showed substantial combined income, savings exceeding the filing fee, real estate, and vehicles.

PROCEDURAL HISTORY

The court previously granted Textron Aviation summary judgment and entered judgment on April 30, 2025. Cordova filed a document construed as a notice of appeal on May 23, 2025, within the thirty-day appeal period. She then moved to proceed in forma pauperis on appeal and sought relief from alleged procedural error, including appointment of counsel. The district court denied the IFP motion, certified that the appeal was not taken in good faith, found the request to excuse delayed notice moot, and denied appointment of counsel.

DISPOSITION

other

CASES CITED

- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Garrett v. Selby Connor Maddux & Janer, 425 F.3d 836, 840 (10th Cir. 2005)
- Watkins v. Leyba, 543 F.3d 624, 627 (10th Cir. 2008)
- Scherer v. Kansas, 263 F. App'x 667, 669 (10th Cir. 2008)
- Brewer v. City of Overland Park Police Dep't, 24 F. App'x 977, 979 (10th Cir. 2002)
- Protheroe v. Masarik, No. 18-cv-2128-JAR-TJJ, 2018 WL 3213322, at *1 (D. Kan. Apr. 12, 2018), report and recommendation adopted, 2018 WL 2113235 (D. Kan. May 8, 2018)
- Scherer v. Kansas, No. 06-2446-JWL, 2006 WL 3147731, at *2 (D. Kan. Nov. 1, 2006), aff'd, 263 F. App'x 667 (10th Cir. 2008)
- Ragan v. Cox, 305 F.2d 58, 60 (10th Cir. 1962)
- United States v. Chavez, No. 20-cr-2040 RB, 2025 WL 988055, at *1 (D.N.M. Apr. 2, 2025)
- Nelson v. Boeing Co., 446 F.3d 1118, 1119 (10th Cir. 2006)
- Xu v. Denv. Pub. Schs., Sch. Dist. No. 1, No. 23-1079, 2024 WL 448290, at *7 (10th Cir. Feb. 6, 2024)
- Beaudry v. Corr. Corp. of Am., 331 F.3d 1164, 1169 (10th Cir. 2003)
- Schlicher v. Thomas, 111 F.3d 777, 779 (10th Cir. 1997)
- Castner v. Colo. Springs Cablevision, 979 F.2d 1417, 1421 (10th Cir. 1992)
- Sullivan v. Sullivan, No. 24-CV-2214-EFM-TJJ, 2025 WL 1126778, at *2 (D. Kan. Mar. 21, 2025)
- Escalante v. Burmaster, No. 23-cv-2130-TC-TJJ, 2023 WL 3159590, at *1 (D. Kan. Apr. 28, 2023)
- Williams v. Long, No. 21-1141-HLT-GEB, 2021 WL 4439445, at *2 (D. Kan. Sept. 28, 2021)
- Fantroy v. Comm'r of Soc. Sec. Admin., No. 18-1272-KHV-GEB, 2018 WL 6305653, at *2 (D. Kan. Dec. 3, 2018)