**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ADONIS WHITBY,	:	
	:	
Plaintiff,	:	
	:	
	:	**Civil Action No.**
	:	**5:08-cv-242 (HL)**
v.	:	
	:	
JANET NAPOLITANO, Secretary of U.S.	:	
Department of Homeland Security,	:	
	:	
Defendant.	:	
_____	:	

ORDER

This matter is before the Court on the Plaintiff's Motion for Permission to

Appeal In Forma Pauperis ("IFP") (Docs. 94 and 95). For the following reasons, the

motion is granted.

The Court permitted the Plaintiff to proceed in the district court IFP. In its

summary judgment order, the Court found that the Defendant demonstrated that

there were no genuine issues of material fact for trial. Judgment was then entered

in favor of the Defendant on all of the Plaintiff's claims.

The Plaintiff now seeks to appeal the Court's summary judgment order and

final judgment order without having to pay costs. Federal Rule of Appellate

Procedure 24(c) provides that a party who was allowed to proceed with his case in

the district court IFP may pursue an appeal IFP without further authorization unless

"the district court . . . certifies that the appeal is not taken in good faith or finds that

the party is not otherwise entitled to proceed in forma pauperis . . . ." Fed. R. App. P. 24(c)(3)(A).[1]

The Plaintiff's inability to pay the costs of his appeal is apparent from his affidavit and his appeal is not frivolous or otherwise not taken in good faith; accordingly, the Plaintiff "may proceed on appeal in forma pauperis without further authorization."

SO ORDERED, this the 8th day of March, 2011.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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[1] If the Plaintiff had not received prior authorization to proceed IFP in the district court, then to proceed on appeal IFP the Plaintiff would have to file a motion and attach an affidavit showing his inability to pay fees and costs of his appeal, his entitlement to redress, and stating the issues that he intends to present on appeal. Fed. R. App. P. 24(a)(1).