

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<p>BYRON BLAKE,</p> <p style="padding-left: 100px;">Petitioner/Defendant,</p> <p>vs.</p> <p>UNITED STATES OF AMERICA,</p> <p style="padding-left: 100px;">Respondent/Plaintiff.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CIVIL NO. 09-555-GPM</p> <p>CRIMINAL NO. 06-30146-01-GPM</p>
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MEMORANDUM AND ORDER

MURPHY, District Judge:

This matter is before the Court on Petitioner Byron Blake’s motion and affidavit requesting leave to proceed *in forma pauperis* on appeal. This Court previously denied Mr. Blake’s motion for relief under 28 U.S.C. § 2255 and declined to issue a certificate of appealability.

It is clear that Mr. Blake is indigent, and the Court cannot find that the instant appeal is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3); *see also Walker v. O’Brien*, 216 F.3d 626, 631-32 (7th Cir. 2000) (explaining that the standard governing the issuance of a certificate of appealability is more demanding than the standard for determining whether an appeal is taken in good faith for purposes of proceeding *in forma pauperis* on appeal). Mr. Blake’s motion (Doc. 28) is **GRANTED**. Because this is a collateral proceeding attacking Mr. Blake’s underlying conviction, the Court finds that the filing fee provisions of 28 U.S.C. § 1915(b) do not apply. *See generally Walker*, 216 F.3d at 628-29 (holding that the Prison Litigation Reform Act does not apply to any requests for collateral relief under 28 U.S.C. §§ 2241, 2254, or 2255).

IT IS SO ORDERED.

DATED: 11/07/11

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge