

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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John A Schmitz,

Civil No. 12-3054 (RHK/JJG)

Plaintiff-Appellant,

v.

**ORDER**

Amy Schaffer and Lori Swanson,

Defendants-Appellees,

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This matter is presently before the Court on Plaintiff's Motion for leave to proceed in forma pauperis ("IFP") on appeal. (Doc. No. 13.)

A litigant can be granted leave to proceed IFP on appeal upon submitting proof that he or she is unable to pay the filing fee and other costs associated with the appeal. 28 U.S.C. § 1915(a)(1); Fed. R. App. P. 24(a). The litigant must also satisfy the Court that the appeal is taken "in good faith." 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(3).

In this case, the Court cannot presently determine whether Plaintiff is financially eligible for IFP status, because his IFP application does not provide any information about his past or present income, or about his financial accounts and other assets. In fact, Plaintiff has not offered even a conclusory assertion that he is indigent. He certainly has not presented any evidence showing that he is unable to pay the filing fee and costs for his appeal. Thus, the Court cannot presently conclude that Plaintiff is financially eligible for IFP status, and his current IFP application must be denied.<sup>1</sup>

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<sup>1</sup> The Court recognizes that Plaintiff applied for IFP status when he initiated the present action in the District Court. (See Doc. No. 2.) However, that IFP application was never granted. Furthermore, that previous IFP application is now nearly more than four months old, and it is therefore outdated.

Plaintiff will be given until April 19, 2013, to cure the shortcomings of his current IFP application by submitting an entirely new amended IFP application. The amended IFP application should be submitted on the form approved for use in this District.<sup>2</sup> Needless to say, the new application must provide an accurate and complete explanation of Plaintiff's current financial circumstances, including a full description of all of his income and all of his assets.

If Plaintiff files a properly completed amended IFP application within the time allowed, the Court will then reconsider whether his request for IFP status on appeal should be granted. If Plaintiff does not file a new IFP request in a timely manner, his appeal may be subject to summary dismissal.

Based upon all of the files, records and proceedings herein, **IT IS ORDERED:**

1. Plaintiff's application to proceed in forma pauperis on appeal (Doc. No. 13) is **DENIED WITHOUT PREJUDICE**; and
2. Plaintiff must file a complete and accurate amended IFP application by no later than April 19, 2013, failing which his appeal may be subject to summary dismissal.

Dated: March 26, 2013

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge

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<sup>2</sup> The approved IFP application form is available from the Clerk's Office upon request.