

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JESSE NOEAL KILLIAN )  
Plaintiff, )  
vs. ) Case No. 4:21 CV 1294 JMB  
JERRY S. ADAMS, )  
Defendant. )

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff Jesse Noal Killian's Motion for Leave to proceed *in forma pauperis* on Appeal (Doc. 35). Federal Rule of Appellate Procedure 24(a)(3) provides that “[a] party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization, unless” the court certifies that the appeal “is not taken in good faith.” See also 28 U.S.C. § 1915(a)(3). Plaintiff is proceeding in forma pauperis in this Court and therefore may proceed in forma pauperis on appeal unless the appeal is not taken in good faith. The undersigned cannot certify that the appeal is not taken in good faith. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion to proceed *in forma pauperis* on appeal (Doc. 35) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk of Court shall request that the agency having custody of Plaintiff begin making payments in accordance with 28 U.S.C. § 1915(b)(2) until the \$505 appellate fee is paid in full.

JOHN M. BODENHAUSEN  
UNITED STATES MAGISTRATE JUDGE

Dated this 21st day of November, 2022