

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN L. LOTTER,	)	
	)	
Petitioner,	)	4:04CV3187
	)	
v.	)	
	)	
SCOTT FRAKES, Director,	)	ORDER
Nebraska Department of Correctional	)	
Institutions,	)	
	)	
Respondent.	)	
_____	)	

Upon receipt of the notice of appeal (filing no. 165), and recognizing that the defendant is subject to the death penalty and further that counsel has been appointed,

IT IS ORDERED that:

- (1) The notice of appeal (filing no. 165), construed also as a request to proceed in forma pauperis, is granted.
- (2) The Clerk shall process the appeal.
- (3) No certificate of appealability has been or will be issued.

DATED this 27<sup>th</sup> day of April, 2017.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge