

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STEVEN M. JACOB,	)	
	)	
Petitioner,	)	4:10CV3073
	)	
v.	)	
	)	
SCOTT FRAKES,	)	MEMORANDUM AND ORDER
	)	
Respondent.	)	
_____	)	

This matter is before the Court on the motions of the petitioner, Steven M. Jacob ("petitioner"), for leave to appeal *in forma pauperis* and for a certificate of appealability (Filing No. [237](#) and Filing No. [238](#)). After review of the motions, the Court finds as follows.

**Leave to Appeal In Forma Pauperis**

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 district court -- before or after the notice of appeal is filed -- 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(a)(3). The Court finds that petitioner may proceed on appeal *in forma pauperis*.

## **Certificate of Appealability**

The Court denied petitioner a certificate of appealability in the Court's June 2, 2017, order, and again upon petitioner's motion to alter or amend judgment (Filing No. [230](#)). See Filing No. [229](#) at 2 and Filing No. [231](#) at 2. Upon review of petitioner's renewed motion for certificate of appealability, it appears that the petitioner has filed it with the wrong court. See Filing No. [238](#) at 1 (requesting the "Eighth Circuit Court of Appeals, or a justice thereof" to grant a certificate of appealability). The petitioner may seek a grant of a certificate of appealability from the United States Court of Appeals for the Eighth Circuit by comporting with Fed. R. App. P. 22(b). To the extent that petitioner's renewed motion again requests that this Court grant a certificate of appealability, it will be denied.

IT IS ORDERED:

1) Petitioner's motion to appeal *in forma pauperis* (Filing No. [237](#)) is granted.

2) Petitioner's motion for a certificate of appealability (Filing No. [238](#)) is denied.

DATED this 23rd day of August, 2017.

BY THE COURT:  
/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court