

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT STEWART,

)

4:11CV3009

)

Plaintiff,

)

)

v.

)

**MEMORANDUM
AND ORDER**

)

NORA RAGON, et al.,

)

)

Defendants.

)

This matter is before the court on Plaintiff's Notice of Appeal and Motion for Leave to Appeal in Forma Pauperis. (Filing Nos. [14](#) and [15](#).) The court dismissed Plaintiff's claims without prejudice on September 1, 2011, and entered judgment against him. (Filing Nos. [12](#) and [13](#).) Plaintiff filed a timely Notice of Appeal on September 13, 2011. (Filing No. [14](#).)

Plaintiff is a nonprisoner who was previously granted leave to proceed in forma pauperis in this matter. (Filing No. [5](#).) As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) 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. In that event,

the district court must state in writing its reasons for the certification or finding . . .

The court finds that because Plaintiff proceeded IFP in the district court, he may now “proceed on appeal in forma pauperis without further authorization.”

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Motion for Leave to Appeal in Forma Pauperis (filing no. [15](#)) is granted.

2. The Clerk of the court shall provide the Eighth Circuit Court of Appeals with a copy of this Memorandum and Order.

DATED this 23rd day of September, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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