

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICHARD M. FLEMING,	)	4:12CV3036
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
MICHELLE WOLFE,	)	
	)	
Respondent.	)	
	)	

This matter is before the court on Petitioner’s Motion for Leave to Appeal In Forma Pauperis. (Filing No. [16](#).) Petitioner is a prisoner who was previously granted leave to proceed IFP. (Filing No. [12](#).) [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#) states:

(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 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 and states in writing its reasons for the certification or finding[.]

*Id.* The court finds that, because Petitioner was previously given leave to proceed IFP, he may now “proceed on appeal in forma pauperis without further authorization” in accordance with [Federal Rule of Appellate Procedure 24](#).

IT IS THEREFORE ORDERED that:

1. Petitioner’s Motion for Leave to Appeal in Forma Pauperis (filing no. [16](#)) is granted.

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

3. All other relief requested by Petitioner, including any and all relief sought pursuant to the “International Covenant on Civil and Political Rights” is denied.

DATED this 11th day of May, 2012.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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