

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KENNETH W. CLARK,

)

4:13CV3075

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Plaintiff,

)

)

v.

)

**MEMORANDUM
AND ORDER**

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JEFFRE CHEVVRONT, et al.,

)

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Defendants.

)

This matter is before the court on Plaintiff's Notice of Appeal (filing no. [13](#)) and Motion for Leave to Appeal in Forma Pauperis ("IFP") (filing no. [21](#)). On September 6, 2013, the court concluded Plaintiff had shown excusable neglect for filing an untimely notice of appeal. (Filing No. [20](#).) However, at that time Plaintiff had failed to pay appellate filing fee, or submit a motion to proceed IFP. (*Id.*; See also Docket Sheet.) Thus, the court gave Plaintiff until October 7, 2013, to either submit the \$455.00 appellate filing fee or a motion to proceed IFP, with the required affidavit. (*Id.*) In accordance with the court's September 6, 2013, Memorandum and Order, Plaintiff filed a Motion for Leave to Appeal IFP on September 17, 2013. (Filing No. [21](#).) Upon review of Plaintiff's Motion, the court finds that Plaintiff is financially eligible to appeal in forma pauperis.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Appeal in Forma Pauperis (filing no. [21](#)) is granted.
2. The Clerk of the court shall provide the Court of Appeals with a copy of this Memorandum and Order.

DATED this 24th day of September, 2013.

BY THE COURT:

s/ John M. Gerrard

United States District Judge

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