

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TODD L. COOK,

)

4:13CV3215

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Petitioner,

)

)

v.

)

**MEMORANDUM  
AND ORDER**

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MICHAEL KENNEY, Director, and  
DIANE SABATKA-RINE, Warden,

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Respondents.

)

This matter is before the court on Petitioner's Motion for Leave to Appeal in Forma Pauperis ("IFP") (Filing No. [27](#)). Pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#), and after considering Petitioner's financial status as shown in the records of this court, leave to proceed in forma pauperis on appeal will be granted and Petitioner is relieved from paying the appellate filing fee at this time.

Also pending is Petitioner's Motion for Leave to Amend Petition for Writ of Habeas Corpus (Filing No. [25](#)), which Petitioner placed in the prison mail system the day before the court entered judgment in this matter. For the reasons set forth in the court's Memorandum and Order dated September 26, 2014, a stay and abeyance is not appropriate in this matter and Petitioner's Motion for Leave to Amend Petition will be denied.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Leave to Proceed IFP on Appeal (Filing No. [27](#)) is granted.

2. Petitioner's Motion for Leave to Amend Petition (Filing No. [25](#)) is denied.

DATED this 16<sup>th</sup> day of October, 2014.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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