

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WILLIAM E. SMITH,	)	
	)	
Petitioner,	)	4:16CV3162
	)	
v.	)	
	)	
SCOTT R. FRAKES,	)	ORDER
	)	
Respondent.	)	
_____	)	

IT IS ORDERED that:

(1) The motion for leave to appeal in forma pauperis (filing no. 40) is granted.

(2) The motion for extension of time to file certificate of appealability (filing no. 42) is denied to the extent this court has jurisdiction to rule on such a motion, but the Clerk shall refer Petitioner’s motion to the United States Court of Appeals for the Eighth Circuit.

(3) The motion to alter or amend judgment (filing no. 43) is denied.

DATED this 5<sup>th</sup> day of September, 2017.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge