

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

Two matters are before the Court. First, plaintiff Telford seeks to compel the Court to disqualify itself and to adopt her proposed findings of facts and conclusions of law (Filing No. [58](#)). The Court will deny Telford's motion.

Second, Telford seeks to file an affidavit and motion to proceed in forma pauperis on appeal (Filing No. [59](#)). The documents which Telford seeks to seal were not filed for procedural reasons, namely, as a pro se litigant, she cannot file documents under seal without leave of court. The Court has reviewed these documents and finds that the plaintiff has satisfied the requirements for appeal. See Fed. R. App. R. 24(a)(1)(A)-(C); Form 4 of the Appendix of Forms. The Court notes that Telford timely filed a notice of appeal, that failing to timely pay the filing fee "does not affect the validity of the appeal, but is ground only for such action as the court of appeals deems appropriate, which may include dismissal of the

appeal," and that case law shows that the failure to pay filing fee does not constitute a jurisdictional defect. *Parissi v. Telechron*, 349 U.S. 46 (1955). Therefore, the Court will grant Telford's motion to seal her motion to proceed in forma pauperis and her affidavit in support of that motion. Accordingly,

IT IS ORDERED:

- 1) Plaintiff's motion (Filing No. [58](#)) is denied.
- 2) Plaintiff's motion (Filing No. [59](#)) to file documents under seal is granted.
- 3) The Clerk's office shall file the plaintiff's documents under seal.
- 4) Plaintiff is permitted to proceed on appeal in forma pauperis.

DATED this 23rd day of January, 2015.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court