

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LARRY GORDON,	)	8:93CV263
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
BEN NELSON, Governor of the State	)	
of Nebraska, and DONALD	)	
STENBERG, Attorney General of the	)	
State of Nebraska,	)	
	)	
Defendants.	)	

This matter is before the court on Petitioner Larry Gordon's "Motion for Certificate of Probable Cause of Appeal," which the court liberally construes as a notice of appeal from the court's Memorandum and Order dated July 28, 2015. Gordon was previously granted leave to proceed in forma pauperis in this action (*see* Filing No. [4](#)), so he may proceed on appeal in forma pauperis.

IT IS THEREFORE ORDERED that: Petitioner may proceed on appeal in forma pauperis. To the extent a certificate of appealability is required in order to process this appeal, the court will not issue one because Gordon has not made a substantial showing of the denial of a constitutional right. [28 U.S.C. § 2253\(c\)\(2\)](#). The clerk of the court is directed to send a copy of this Memorandum and Order to the Eighth Circuit Court of Appeals.

DATED this 26th day of August, 2015.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge

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