

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HARRY R. FOWLER,)	8:09CV65
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
WERNER ENTERPRISES,)	
)	
Defendant.)	

This matter is before the court on Jennifer R. Deitloff’s Motion to Withdraw as counsel for Defendant. (Filing No. [59](#).) The record shows that the Defendant continues to be represented by other counsel. (*See* Docket Sheet.)

Also pending is Plaintiff’s Motion to Appeal In Forma Pauperis (“IFP”). (Filing No. [60](#).) On November 10, 2009, the court dismissed Plaintiff’s claims with prejudice and entered judgment against Plaintiff. (Filing Nos. [54](#) and [55](#).) On December 10, 2009, Plaintiff filed a timely Notice of Appeal of the court’s Judgment. (Filing No. [56](#).) Plaintiff is a non-prisoner and has not previously been granted leave to proceed in forma pauperis (“IFP”) in this matter.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(1\)](#):

Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party’s inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and

(C) states the issues that the party intends to present on appeal.

[Fed. R. App. P. 24\(a\)\(1\)](#). The court has carefully reviewed the record. Plaintiff has filed a Motion for Leave to Appeal IFP and an affidavit that claims an entitlement to redress for the relief Plaintiff requested in his Complaint. (Filing No. [60](#).) Therefore, Plaintiff's Motion for Leave to Appeal IFP is granted.

IT IS THEREFORE ORDERED that:

1. Jennifer R. Deitloff's Motion to Withdraw (filing no. [59](#)) is granted. The Clerk of the court is directed to terminate Deitloff's appearance as counsel for Defendant and discontinue sending electronic notices regarding this matter to Deitloff.
2. Plaintiff's Motion for Leave to Appeal IFP (filing no. [60](#)) is granted.
3. The Clerk of the court shall process the appeal and shall provide the Court of Appeals with a copy of this Memorandum and Order.

January 14, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge

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