

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRIAN T. COLLUM,)
)
Plaintiff,)
)
v.)
)
PAYPAL. INC,)
)
Defendant.)

8:11CV12

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff’s Motion for Leave to Appeal in forma pauperis. (Filing No. [19](#).) On May 27, 2011, the court dismissed Plaintiff’s claims without prejudice and entered Judgment against him. (Filing Nos. [16](#) and [17](#).) Plaintiff filed a timely Notice of Appeal of the court’s Judgment. (Filing No. [18](#).) 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 and finds that Plaintiff has substantially complied with [Fed. R. App. P. 24\(a\)\(1\)](#). Therefore, Plaintiff's Motion for Leave to Appeal IFP is granted.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Appeal IFP (filing no. [19](#)) is granted.
2. The Clerk of the court shall provide the Court of Appeals with a copy of this Memorandum and Order.

DATED this 25th day of July, 2011.

BY THE COURT:

Richard G. Kopf
United States District Judge

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