

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,) 8:12CV94

Plaintiff,)

v.)

MEMORANDUM AND ORDER

MICHAEL HEAVICAN, WRIGHT,)

LINDSAY LERMAN,)

MCCORMACK, STEPHENS, and)

CONNOLY,)

Defendants.)

This matter is before the court on Plaintiff’s Motion for Leave to Appeal In Forma Pauperis. (Filing No. 11.) On May 1, 2012, the court dismissed Plaintiff’s claims without prejudice and entered judgment against Plaintiff. (Filing Nos. 8 and 9.) On May 4, 2012, Plaintiff filed a timely Notice of Appeal of the court’s Judgment. (Filing No. 10.) Plaintiff is not a prisoner and has previously been granted leave to proceed IFP in this matter. (Filing No. 6.)

As set forth in Federal Rule of Appellate Procedure 24(a)(3):

(a) Leave to Proceed in Forma Pauperis

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless the district court – before or after the notice of appeal is filed– certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. In that event, the district court must state in writing its reasons for the certification or finding.

The court finds that because Plaintiff proceeded IFP in the district court, he may now “proceed on appeal in forma pauperis without further authorization.”

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Motion for Leave to Appeal In Forma Pauperis (filing no. [11](#)) is granted.
2. The Clerk of the court shall provide the Court of Appeals with a copy of this Memorandum and Order.
3. All other pending motions are denied.

DATED this 11th day of May, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.