

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRANDON BOYCE,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF OMAHA, JOHN DOE,)
 Police Officers, DONALD KLEINE,)
 CREIGHTON MED CENTER,)
 SCOTT SLADEK, Douglas County)
 Public Defender, and EDNA)
 ATKINS,)
)
 Defendants.)

8:13CV73

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff’s Notice of Appeal. (Filing No. [8](#).) On April 23, 2013, the court dismissed Plaintiff’s claims and entered Judgment against him. (Filing Nos. [6](#) and [7](#).) Plaintiff filed a timely Notice of Appeal of the court’s Judgment. (Filing No. [8](#).) Plaintiff is a non-prisoner and has previously been granted leave to proceed in forma pauperis in this matter. (Filing No. [5](#).)

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:

(A) 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 and states in writing its reasons for the certification or finding; or

(B) a statute provides otherwise.

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

IT IS THEREFORE ORDERED that:

1. Plaintiff is permitted to proceed in forma pauperis on appeal.
2. The Clerk of the court shall provide the Court of Appeals with a copy of this Memorandum and Order.

DATED this 6th day of May, 2013.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

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