

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CLIVE B. HILGERT,

Plaintiff,

vs.

CHRISTINE VANDERFORD, et al;

Defendant.

8:17CV115

**MEMORANDUM
AND ORDER**

Plaintiff filed a Notice of Appeal ([Filing No. 15](#)) on July 24, 2017. On June 12, 2017, the court dismissed this matter with prejudice. ([Filing No. 8](#); [Filing No. 9](#).) On July 3, 2017, Plaintiff filed a “Motion to Amend or Alter Judgment” pursuant to Federal Rule of Civil Procedure 59(e). ([Filing No. 13](#).) On July 5, 2017, the court denied Plaintiff’s Motion. ([Filing No. 14](#).) Accordingly, Plaintiff’s Notice of Appeal is timely. *See Fed. R. App. P. 4(a)(4)(A)*.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)\(A\)](#):

(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

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.

IT IS THEREFORE ORDERED that:

1. Plaintiff is granted leave to proceed in forma pauperis on appeal.
2. The clerk's office shall provide the Eighth Circuit Court of Appeals with a copy of this order.

Dated this 25th day of July, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge