

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEENON A. ROBERTSON,

Petitioner,

vs.

SCOTT FRAKES, Director of Nebraska
Department of Correctional Services;

Respondent.

8:17CV201

ORDER

This matter is before the court on the Notice of Appeal ([filing no. 18](#)) filed by Petitioner on June 25, 2018. Petitioner appeals from this court's Order and Judgment dated May 31, 2018. ([Filing No. 16](#); [Filing No. 17](#).) He also requests an extension of time to file a request for a certificate of appealability in the Eighth Circuit Court of Appeals. ([Filing No. 20](#).) Also before the court is the memorandum from the Clerk of the Court ([filing no. 19](#)) requesting a decision as to whether Petitioner may proceed on appeal in forma pauperis.

First, the court finds that Petitioner may proceed on appeal in forma pauperis without further authorization pursuant to [Rule 24\(a\)\(3\)](#) of the Federal Rules of Appellate Procedure. (*See* [Filing No. 6](#).)

Lastly, Petitioner asks for an extension of time to file his request for a certificate of appealability with the Eighth Circuit Court of Appeals. This relief should be sought directly from the Eighth Circuit. *See* [Fed. R. App. P. 22\(b\)\(2\)](#) ("A request addressed to the court of appeals may be considered by a circuit judge or judges, as the court prescribes. If no express request is filed, the notice of appeal constitutes a request addressed to the judges of the court of appeals."). Accordingly, Petitioner's Motion for Extension of Time ([Filing No. 20](#)) will be denied without prejudice to reassertion before the Eighth Circuit.

IT IS ORDERED that:

1. Petitioner may proceed on appeal in forma pauperis without further authorization.
2. Petitioner's Motion for Extension of Time ([filing no. 20](#)) is denied without prejudice to reassertion before the Eighth Circuit Court of Appeals.
3. The clerk's office is directed to provide the Eighth Circuit Court of Appeals with a copy of this order.

Dated this 26th day of June, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge