

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**JOHN M. CARTER, and on behalf of  
other Similarly situated;**

**Plaintiff,**

**vs.**

**WILLIAM MULDOON, individual  
capacity; DAVE STOLZ, individual  
capacity; and DOES 1-25 INCLUSIVE,**

**Defendants.**

**8:17CV319**

**ORDER**

This matter is before the Court on the Motion for Leave to Appeal in Forma Pauperis, ECF No. 85, filed by Plaintiff John Carter. Under Rule 24(a)(1)(A) of the Federal Rules of Appellate Procedure, a motion for leave to appeal in forma pauperis must include an affidavit that shows “the party’s inability to pay or to give security for fees and costs[.]”<sup>1</sup> Because Carter’s affidavit fails to show that he is financially unable to pay or give security for fees and costs, see ECF No. 85, the Court will deny his Motion. He may seek leave to appeal in forma pauperis from the Court of Appeals. Fed. R. App. P. 24(a)(5). Accordingly,

IT IS ORDERED: The Motion for Leave to Appeal in Forma Pauperis, ECF No. 85, filed by Plaintiff John Carter, is denied.

Dated this 2nd day of January, 2019.

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<sup>1</sup> This Court previously denied Carter’s motion to proceed in forma pauperis in his district-court action. Order, ECF No. 3; See Fed. R. App. P. 24(3).

BY THE COURT:

s/Laurie Smith Camp  
Senior United States District Judge