

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

**NEBRASKA DATA CENTERS, LLC, and
AMERICAN NEBRASKA LIMITED
PARTNERSHIP,**

Plaintiffs,

vs.

**LEO KHAYET, AND TIMBER VENTURES,
LLC,**

Defendants.

8:17CV369

ORDER

This matter is before the Court on the Clerk's Memorandum, ECF No. 365, regarding Defendant Leo Khayet's Notice of Appeal, ECF No. 364, and his ability to proceed on appeal in forma pauperis. In its response to the Memorandum, the Court indicated that Khayet was not entitled to proceed on appeal in forma pauperis without further authorization under Rule 24(a)(3) of the Federal Rules of Appellate Procedure. ECF No. 345. Khayet has not filed a motion requesting permission to appeal in forma pauperis, and the Court certifies that his appeal is not taken in good faith. See Fed. R. App. P. 24(a)(1) & (a)(3)(A).

For the reasons stated in the Court's previous Orders, ECF No. 339, 346, Khayet must seek permission to proceed on appeal in forma pauperis from the Court of Appeals. The Court also notes that under the Eighth Circuit's Revised Judgment, ECF No. 351, before Khayet seeks permission to proceed on appeal in forma pauperis, he must first pay all appellate filing and docketing fees owed to the Eighth Circuit.

Accordingly,

IT IS ORDERED: The Clerk of Court is directed to process Defendant Leo Khayet's appeal, ECF No. 364, and Khayet must seek permission to proceed on appeal in forma pauperis from the U.S. Court of Appeals for the Eighth Circuit.

Dated this 4th day of December, 2019.

BY THE COURT:

s/Laurie Smith Camp
Senior United States District Judge