

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

8:17CV389

ORDER

This matter is before the court on the Notice of Appeal (filing 40) filed by Petitioner on June 2, 2022, and a memorandum from the Clerk of the Court requesting a ruling as to Petitioner's authorization to proceed in forma pauperis ("IFP") on appeal (filing 41). Petitioner seeks to appeal the court's March 31, 2022 Memorandum and Order (filing 36) denying his request for relief regarding his inability to file additional notices of appeal.

This is Petitioner's third appeal in this long-closed habeas case. The Eighth Circuit Court of Appeals dismissed his two previous appeals. In light of that, I certify that this appeal is frivolous and not taken in good faith, and Petitioner may not proceed in forma pauperis on appeal. *See* Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3).

IT IS THEREFORE ORDERED that: Petitioner may not proceed on appeal in forma pauperis. This matter is closed, and Petitioner should refrain from filing any further frivolous appeals.

Dated this 8th day of June, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge