

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

8:18CV46

ORDER

This matter is before the court on the Notices of Appeal (filing 126) filed by Petitioner Justin Gardner on June 16, 2021. Petitioner appeals from the court's Orders dated June 1, 2021, and May 20, 2021, both of which denied Petitioner leave to appeal in forma pauperis with respect to previously filed notices of appeal. (Filings 118 & 125.) Also before the court is a memorandum from the Clerk of the Court requesting a ruling as to Petitioner's authorization to proceed in forma pauperis on appeal. (Filing 127.)

Petitioner has failed to include the \$505.00 appellate filing and docket fees. A litigant seeking to appeal a judgment must either pay the required filing fees, *see* Fed. R. App. P. 3(e), or proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). The court hereby certifies that the appeal filed by Petitioner in this case is frivolous and not taken in good faith, and Petitioner cannot file an appeal in forma pauperis. *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.

Dated this 17th day of June, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge