

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

8:18CV46**MEMORANDUM AND ORDER**

This matter is before the court on the Notice of Appeal (filing 153) filed by Petitioner Justin Gardner on December 27, 2021, and a memorandum from the Clerk of the Court requesting a ruling as to Petitioner's authorization to proceed in forma pauperis on appeal (filing 154). Petitioner purports to appeal from multiple orders and judgments (filings 31–34, 36, 37, 45, 52, 54, 55, 58, 61–64, 66, 67, 72–75, 92, 122, 140, 144, 149, 151, & 152)¹ entered by this court and the Eighth Circuit Court of Appeals dating as far back as the court's August 21, 2018 Memorandum and Order (filing 32) and Judgment (filing 33) denying and dismissing Petitioner's habeas petition with prejudice. As Petitioner has pursued an interlocutory appeal, direct appeal, and six subsequent appeals in this matter, which has long been closed, 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.

¹ The court could not identify a filing associated with the order purportedly entered on September 17, 2018, denying "Appellant's Motion to Proceed On Appeal In Forma Pauperis . . . As Moot" which Petitioner seeks to appeal. (Filing 153 at CM/ECF p. 29.)

Dated this 6th day of January, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge