UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JAMES JOSEPH KRIVACSKA, :

Petitioner, : Civil Action No. 11-3729 (FLW)

v. :

GARY LANIGAN, :

Respondent. : **MEMORANDUM OPINION AND ORDER**

This matter comes before the Court upon Petitioner's application to proceed in forma pauperis on appeal, see Docket Entry No. 30, from this Court's decision, see Docket Entry No. 24, and it appearing that:

1. Federal Rule of Appellate Procedure 24 provides, in relevant part, as follows:

> (a) Leave to Proceed In Forma Pauperis.
> (1) Motion in the District Court. Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must [initially] file a motion in the district court. The party must attach an affidavit that:
> (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
> (B) claims an entitlement to redress; and
> (C) states the issues that the party intends to present on appeal.
> (2) Action on the Motion. If the district court grants the motion, the party may proceed on appeal without prepaying or giving security for fees and costs, unless a statute provides otherwise. If the district court denies the motion, it must state its reasons in writing.
> (3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization, unless . . . the district court . . . certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis . . . .

Fed. R. App. P. 24 (a).

2. Here, Petitioner prepaid his filing fee for the purposes of his action disposed of by this Court. See Docket Entry dated 7/11/2011. Therefore, Petitioner is not entitled to automatic in forma pauperis status for the purposes of his appeal. See Fed. R. App. P. 24 (a)(3).

3. Upon review of Petitioner's application at bar, it appears that while the application does sufficiently meet the requirements of Fed. R. App. P. 24 (a)(1)(A) in that Petitioner has provided financial information in support of his assertion that he is unable to pay the fee, the application does not comply with the requirements posed by Fed. R. App. P. 24 (a)(1)(B) and (C) since Petitioner has failed to include an affidavit in which he sets forth his entitlement of redress and states the issues that he wishes to present on appeal. See Docket Entry No. 30.

IT IS, therefore, on this 18th day of December, 2012,

ORDERED that the Clerk shall reopen this matter for the purposes of this Court's examination of Petitioner's motion, Docket Entry No. 30; and it is further

ORDERED that Petitioner's Motion for leave to appeal from this Court's decision in forma pauperis, Docket Entry No. 30, is DENIED; and it is further

ORDERED that the Clerk shall close the file on this matter by making a new and separate entry on the docket reading, "CIVIL CASE TERMINATED."

Freda L. Wolfson, U.S.D.J