

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

JUAN HERNANDEZ,

Plaintiff,

v.

Civ. No. 16-336 MCA/GJF

EDWARD BERUMEN, et al.,

Defendants.

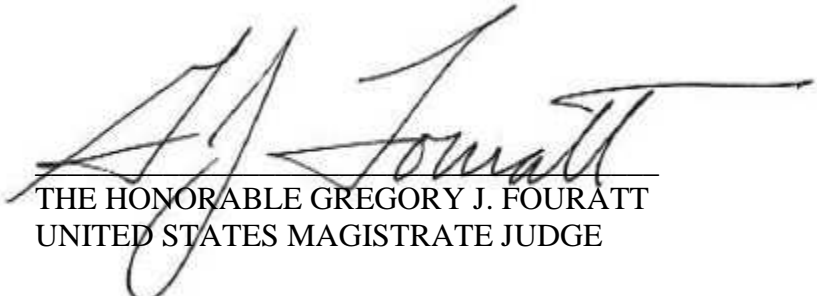
ORDER GRANTING MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS

This matter is before the Court, pursuant to Rule 24(a) of the Federal Rules of Appellate Procedure, on Plaintiff Juan Hernandez's Motion For Leave To Proceed On Appeal Without Prepayment of Costs or Fees [ECF No. 32], filed on August 21, 2017. Based on the information provided by Plaintiff and Plaintiff's affidavit of indigency, the Court finds that Plaintiff is unable to prepay the filing fee and that Plaintiff intends to raise a reasoned, nonfrivolous argument on appeal. *See Debardeleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991) (holding that, in order to proceed *in forma pauperis* on appeal, "an appellant must show a financial inability to pay the required filing fees and the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal"). Therefore, Plaintiff's motion for leave to proceed on appeal *in forma pauperis* will be granted.

Plaintiff is reminded that, because he was a prisoner at the time his motion was filed, he must pay the full amount of the appellate filing fee. *See* 28 U.S.C. § 1915(b)(1). Plaintiff is "required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account" until the filing fee is paid in full. *Id.*

IT IS THEREFORE ORDERED that Plaintiff's Motion For Leave To Proceed On Appeal Without Prepayment of Costs or Fees [ECF No. 32] is **GRANTED**.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE