

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
JUL 24 2013
[Signature]
CLERK

THOMAS R. KELLEY,

CIV. 12-4150

Plaintiff,

vs.

ORDER DETERMINING
IFP STATUS ON APPEAL

US ATTORNEY'S OFFICE (Law Firm)
OF SOUTH DAKOTA; JOHN DOE, the
local/state legal individual capacity entity
whose interest was represented in the case
against Thomas Kelley in Case No.
4:08-CR-40173-LLP-1 with them under
the name UNITED STATES OF AMERICA;
OFFICE OF THE US ATTORNEY for the
State of South Dakota and the individual
occupant executing for that office as US
Attorney; UNITED STATES COURTS
entity doing business as, by, through
and generating revenue with individual
officers of the United States District Court
(Agency); The unknown individual officer
responsible for convening the grand jury
as if it is an administrative act here
and the individual and office responsible
for supervision, direction, and control
of such agent/agency; Other unknown but
ostensible actors and those failing to
act thereby aiding the progression and
appearance of legality of the proceedings
against Claimant/Relator and his liberty,
rights, property, and rights.

Defendants.

The Eighth Circuit has issued a limited remand ordering this court to (1) determine plaintiff's
in forma pauperis status; (2) assess the appellate filing and docketing fees; and (3) collect such fees
pursuant to Henderson v. Norris, 129 F.3d 481 (8th Cir. 1997) and the provisions of the Prison

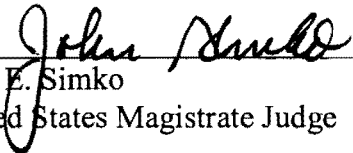
Litigation Reform Act, 28 U.S.C. § 1915.

Upon the record it is hereby ORDERED that:

1. Plaintiff is GRANTED in forma pauperis status on appeal.
2. The institution having custody of the plaintiff is hereby directed that whenever the amount in plaintiff's trust account exceeds \$10.00, monthly payments that equal 20% of the funds credited the preceding month to the plaintiff's trust account shall be forwarded to the U.S. District Court Clerk's Office pursuant to 28 U.S.C. § 1915(b)(2), until the appellate filing fee is paid in full.

Dated this 24 day of July, 2013.

BY THE COURT: ✓



John E. Simko
United States Magistrate Judge