

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MELVIN WIAND,	§	
Plaintiff,	§	
v.	§	No. 3:16-CV-2363-M (BT)
T.J. HARMON and NFN FREEMAN,	§	
Defendants.	§	

ORDER

Before the Court is Plaintiff Melvin Wiand’s Response to Magistrate Judge’s Findings, Conclusions, and Recommendation [ECF No. 49], filed on May 21, 2018. In his “response,” Plaintiff sets forth his issues for appeal and attaches a Form 4 Affidavit Accompanying Motion for Permission to Appeal *In Forma Pauperis*, which shows that Plaintiff lacks sufficient resources to pay the filing fee on appeal due to his medical bills. *See* Affidavit 5 & 7 [ECF No. 49]. Therefore, the Court **VACATES** its Findings, Conclusions, and Recommendation [ECF No. 48] which recommended that the District Court deny without prejudice Plaintiff’s request to proceed *in forma pauperis* on appeal [ECF No. 47], and Plaintiff’s request to proceed *in forma pauperis* on appeal is **GRANTED**.

SO ORDERED.

May 30, 2018.



 REBECCA RUTHERFORD
 UNITED STATES MAGISTRATE JUDGE