

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RICHARD HOEFT,

Plaintiff,

ORDER

v.

09-cv-117-wmc

JOHN CLARK and ANGELA NELSON,

Defendants.

On April 28, 2010, the court granted defendant Angela Nelson's motion for summary judgment in this case, finding that no reasonable jury could find she violated plaintiff's Eighth Amendment right to be free from cruel and unusual punishment. Because Judge Crabb had previously granted defendant John Clark's motion for summary judgment, judgment was entered in favor of both defendants and the case was closed.

Now before the court is plaintiff's notice of appeal and a request to proceed *in forma pauperis* on appeal. Because plaintiff was granted leave to proceed *in forma pauperis* in this court, he "may proceed on appeal *in forma pauperis* unless the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed." Fed. R. App. P. 24(a). I cannot certify that the appeal is not taken in bad faith and see no other reason to deny plaintiff's request to proceed *in forma pauperis*.

ORDER

IT IS ORDERED that plaintiff's motion for leave to proceed *in forma pauperis* on appeal, dkt. #52, is GRANTED.

Entered this 5th day of May, 2010.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge