

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

RICHARD HOEFT,

Plaintiff,

v.

TIM ANDERSON and VICKI ARNDT,

Defendants.

ORDER

09-cv-138-wmc

On July 6, 2010, the court granted defendants Tim Anderson and Vicki Arndt's motions for summary judgment in this case and entered judgment in favor of defendants and the case was closed. The court found that defendant Arndt did not violate Hoeft's Fourth Amendment rights when she had him jailed on a probation hold and that defendants Anderson and Arndt were entitled to qualified immunity on Hoeft's claim that they interrogated him without advising him of his *Miranda rights*.

Now before the court is plaintiff's notice of appeal. Although plaintiff has filed a motion to accept the late filing of his notice of appeal, and his notice is not late, this motion will be denied as moot. Because Hoeft had not paid the \$455 fee for filing an appeal, his notice will be considered a request to proceed *in forma pauperis* on appeal. Plaintiff was granted leave to proceed *in forma pauperis* in this court. Accordingly, he "may proceed on appeal *in forma pauperis* unless the district court shall certify that the appeal in 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 am unable to certify that the appeal is not taken in good 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. #29, is GRANTED.

Entered this 3rd day of August, 2010.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge