

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACOB STADFELD,

Defendant.

ORDER

08-cr-138-bbc

13-cv-722-bbc

Defendant Jacob Stadfeld has filed a notice of appeal from the April 8, 2014 order denying his post conviction motion under 28 U.S.C. § 2255 and a request for a certificate of appealability.

His notice of appeal was not accompanied by the \$505 fee for filing an appeal. 28 U.S.C. § 2253(c)(1)(A); Fed. R. App. P. 22. Therefore, I construe it as including a request for leave to proceed in forma pauperis on appeal pursuant to 28 U.S.C. § 1915.

According to 28 U.S.C. § 1915(a), a defendant who is found eligible for court-appointed counsel in the district court proceedings may proceed on appeal in forma pauperis without further authorization "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."

Because defendant had retained counsel during the criminal proceedings against him and on direct appeal, he is not automatically eligible for in forma pauperis status.

Defendant will have to show that he is entitled to pauper status on appeal. Therefore, I will give defendant until May 30, 2014 to complete and file the enclosed affidavit so that I may determine his financial eligibility to proceed on appeal without prepaying the fee for filing his notice of appeal.

ORDER

IT IS ORDERED that defendant shall have until May 30, 2014, in which to file an affidavit of indigency with the court so it can determine whether defendant is eligible to proceed on appeal in forma pauperis.

Entered this 23d day of April, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge