

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZAN MORGAN,

Defendant.

MEMORANDUM

05-C-0012-C
02-CR-0141-C-02

On April 15, 2005, defendant Zan Morgan filed a “Motion for Certificate of Appealability” from the judgment entered in this case on March 29, 2005. At the time defendant filed his motion, he did not file a notice of appeal. Despite the lack of a notice of appeal, I construed defendant’s motion to include a request for leave to proceed in forma pauperis on appeal. In an order entered on April 20, 2005, I granted defendant’s request for leave to proceed in forma pauperis on appeal but denied his request for a certificate of appealability. Now, defendant has filed his notice of appeal from the March 29, 2005 order. Because I have already granted defendant’s request for leave to appeal in forma pauperis, and denied his request for a certificate of appealability, there is nothing further for this court to

do. Pursuant to Fed. R. App. P. 22(b), defendant's next step is to request a circuit judge to issue the certificate of appealability.

Entered this 16th day of May, 2005.

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