

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

BRYAN F. OPARKA,,

Plaintiff,

v.

UNITED BUILDING SYSTEMS/MANAGEMENT CO.,

Defendant.

ORDER

09-cv-475-slc

On September 23, 2010, I dismissed with prejudice plaintiff Bryan Oparka's gender discrimination case against the defendant for his failure to prosecute it. On November 22, 2010 I denied plaintiff's motion for reconsideration and granted his request for an extension of time to file an appeal until December 6, 2010. Now before the court is plaintiff's notice of appeal. Because plaintiff has not paid the \$455 fee for filing a notice of appeal, I construe the notice as including a request for leave 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 good faith and I can 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. 44, is GRANTED.

Entered this 17th day of December, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge

