

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

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GREGORY E. SMITH, SR.,

Plaintiff,

v.

CAPITAL CARTAGE, INC.,

Defendant.

ORDER

09-cv-684-bbc

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In this lawsuit brought under Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act, plaintiff Gregory Smith contended that defendant Capital Cartage discriminated against him in the terms and conditions of his employment on the basis of his race and age. On January 5, 2011, I granted defendant's motion for summary judgment, entered judgment in defendant's favor and closed the case. Now before the court is plaintiff's 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 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. #78, is GRANTED.

Entered this 10th day of February, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge