

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

TIMOTHY MICHAEL McDONALD,

Petitioner,

v.

UNITED STATES OF AMERICA and
R. STIFF, Warden of FCI Oxford, Wisconsin,

Respondents.

ORDER

00-C-595-C

Petitioner has filed a notice of appeal from the judgment entered in this action on November 24, 2000, dismissing his petition for a writ of habeas corpus brought pursuant to 28 U.S.C. §2241. Petitioner paid the fee for filing his habeas corpus petition. His notice of appeal is not accompanied by the \$105 fee for filing an appeal. Therefore, it appears that petitioner is seeking to proceed on appeal in forma pauperis.

28 U.S.C. § 1915 requires a person seeking leave to proceed on appeal in forma pauperis to submit an affidavit that includes a statement of all assets the person possesses and shows that he is unable to prepay such fees or give security therefor. Also, in his affidavit, petitioner must state the nature of his action, defense or appeal and his belief that he is entitled to redress.

After petitioner submits the required affidavit, the district court may permit the appeal to proceed unless it certifies in writing that the appeal is taken in bad faith. 28 U.S.C. § 1915(a)(3).

Fed. R. App. P. 24 further requires a party who desires to proceed on appeal in forma pauperis to file in the district court "a statement of the issues which that party intends to present on appeal."

Petitioner has not submitted an affidavit of indigency from which a determination can be made that he is financially eligible to proceed in forma pauperis on appeal, and he has not made the statements required by § 1915 and Fed. R. App. P. 24. Therefore, petitioner's request for leave to proceed in forma pauperis on appeal will be stayed until petitioner submits the proper supporting material.

ORDER

IT IS ORDERED that a decision on petitioner's request for leave to proceed in forma pauperis on appeal is STAYED until December 27, 2000, to allow petitioner to submit the documents referenced above. If, by December 27, 2000, petitioner fails to respond to this order, then his motion for leave to proceed in forma pauperis on appeal will be denied for

his failure to show that he is entitled to indigent status on appeal.

Entered this 7th day of December, 2000.

BY THE COURT:

BARBARA B. CRABB
District Judge