

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

KERI A. BURR,

Petitioner,

v.

RICHARD L. HUFF, F.B.I.,

Respondent.

MEMORANDUM

04-C-53-C

In an order dated February 20, 2004, I construed petitioner Keri Burr's submission dated February 12, 2004, as a notice of appeal from the judgment entered in this case on February 9, 2004, and a request for leave to proceed in forma pauperis on appeal. I denied petitioner's motion and certified that her appeal was not taken in good faith. Now petitioner has filed an affidavit of indigency, a letter dated February 23, 2004, in which petitioner objects to this court's February 20 order, and a letter dated March 1, 2004, in which petitioner requests appointment of counsel.

If petitioner believes this court erred in denying her request for leave to proceed in forma pauperis on appeal and in certifying her appeal as not taken in good faith, her only recourse is to file a request for leave to proceed in forma pauperis directly with the court of

appeals. Fed. R. App. P. 24(a)(5). To be timely, her request must be filed with the court of appeals within thirty days of the date of service of the February 20 order, with three additional days added because the order was served on petitioner by mail. See Fed. R. Civ. P. 6(e). In other words, petitioner's request must be filed with the court of appeals no later than March 24, 2004. The motion must include a copy of this court's February 20 order and an affidavit showing in detail petitioner's inability to pay the filing fee or give security therefor, a claim for an entitlement to redress and a statement of the issues petitioner intends to present on appeal.

Also, if petitioner wishes to pursue her request for appointed counsel on appeal, she must submit such a request directly to the court of appeals.

Entered this 9th day of March, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge