

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS P. DIMODICA,

Defendant.

MEMORANDUM

05-CR-0064-C

Defendant Nicholas Dimodica has filed a motion for leave to file and proceed on appeal in forma pauperis and affidavit of indigency and asks that Attorney Mark Eisenberg be appointed counsel for his appeal to the Court of Appeals for the Seventh Circuit. Although I cannot appoint counsel to represent him on the appeal, I can make a determination that defendant is eligible for court-appointed counsel and make that determination known to the court of appeals.

From my examination of defendant's financial affidavit and from the information contained in defendant's pre-sentence report, I am persuaded that defendant lacks the financial resources to retain private counsel to represent him on appeal. I will advise the court of appeals of this determination.

Entered this 31st day of October, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge