

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLEN LADD,

Defendant.

ORDER

08-cv-744-bbc

05-cr-42-bbc

On July 31, 2014, defendant Allen Ladd filed with the Court of Appeals for the Seventh Circuit a document entitled "Extraordinary Appeal Under 28 U.S.C. § 1291" in which he challenges the court's March 17, 2009 order denying his motion for post conviction relief under 28 U.S.C. § 2255 without an evidentiary hearing. Thereafter, on August 28, 2014, defendant filed with the court of appeals a motion and affidavit to proceed in forma pauperis on appeal. The court of appeals has forwarded defendant's motion to this court for a determination of defendant's eligibility to proceed in forma pauperis on appeal.

According to 28 U.S.C. § 1915(a), a defendant who is found eligible for court-appointed counsel in the district court proceedings may proceed on appeal in forma

pauperis without further authorization "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." Defendant had appointed counsel during the criminal proceedings against him and I do not intend to certify that the appeal is not taken in good faith. Defendant's challenge to his sentence is not wholly frivolous. A reasonable person could suppose that it has some merit. Lee v. Clinton, 209 F.3d 1025, 1026 (7th Cir. 2000).

ORDER

Defendant Allen Ladd's motion to proceed in forma pauperis on appeal is GRANTED.

Entered this 5th day of September, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge