

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD KARL WILLIAMS,

Defendant.  
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ORDER

09-cr-97-bbc

11-cv-351-bbc

Defendant Richard Karl Williams has filed a notice of appeal from the August 30, 2011 order denying his post conviction motion under 28 U.S.C. § 2255. His notice of appeal was not accompanied by the \$455 fee for filing an appeal. Therefore, I construe it as including a request for leave to proceed in forma pauperis on appeal pursuant to 28 U.S.C. § 1915. Because defendant had retained counsel during the criminal proceedings against him, he is not automatically eligible for in forma pauperis status. Defendant will have to show that he is entitled to pauper status on appeal. Therefore, I will give defendant until November 11, 2011 to complete and file the enclosed affidavit so that I may determine his financial eligibility to proceed on appeal without prepaying the fee for filing his notice of appeal.

ORDER

IT IS ORDERED that defendant shall have until November 11, 2011, in which to file an affidavit of indigency with the court so it can determine whether defendant is eligible to proceed on appeal in forma pauperis.

Entered this 12th day of October, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge