

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

THURMAN WYATT,

Defendant.

ORDER

09-cr-125-bbc
11-cv-718-bbc

Defendant Thurman Wyatt has filed a notice of appeal from the December 21, 2011 order denying his post conviction motion under 28 U.S.C. § 2255, together with a motion and supporting affidavit to proceed in forma pauperis on appeal. From the affidavit of indigency, I find that defendant is unable to prepay the fees of filing an appeal 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.

As to defendant's request for a certificate of appealability, such a certificate was granted in the December 21, 2011 order.

ORDER

IT IS ORDERED that defendant Thurman Wyatt's request for leave to proceed in
forma pauperis on appeal is GRANTED.

Entered this 30th day of January, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge