

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHERYL McNAMEE,

Defendant.

ORDER

13-cv-10-bbc

On May 23, 2013, defendant Cheryl McNamee filed a notice of appeal from the February 28, 2013 order denying her post conviction motion under 28 U.S.C. § 2255 and a request for a certificate of appealability. Because defendant had retained counsel during the criminal proceedings against her, she was not automatically eligible for in forma pauperis status. In an order entered on May 23, 2013, I gave defendant until July 1, 2013, in which to file an affidavit of indigency with the court so that it could determine whether defendant is eligible to proceed on appeal in forma pauperis.

On June 24, 2013, defendant filed an affidavit of indigency. Based upon my review of defendant's financial affidavit, I am satisfied that she is financially unable to pay the costs of her appeal. I conclude also that defendant is financially eligible for the appointment of

counsel.

As to defendant's request for a certificate of appealability, such a certificate was denied in the February 28, 2013, order denying defendant's § 2255 motion.

I will send the Court of Appeals for the Seventh Circuit a copy of this order so that it can appoint appellate counsel for defendant.

ORDER

Defendant's motion to proceed on appeal in forma pauperis is GRANTED. Her request for a certificate of appealability is DENIED.

Entered this 11th day of July, 2013.

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