

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

THOMAS VALLEY,

Petitioner,

ORDER

11-cr-133-bbc
15-cv-704-bbc

v.

UNITED STATES OF AMERICA

Respondent.

Petitioner Thomas Valley has filed a notice of appeal of the court's February 23, 2016 order denying his motion for post conviction relief under 28 U.S.C. § 2255. Petitioner's notice of appeal was not accompanied by the \$505 fee for filing an appeal. 28 U.S.C. § 2253(c)(1)(A); Fed. R. App. P. 22. Therefore, I construe it as including a request for leave to proceed in forma pauperis on appeal under 28 U.S.C. § 1915. According to 28 U.S.C. § 1915(a)(3), "an appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." I do not find petitioner's appeal taken in bad faith.

ORDER

IT IS ORDERED that petitioner Thomas Valley's request for leave to proceed in forma pauperis on appeal is GRANTED.

Entered this 11th day of March, 2016.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge