UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA
OFFICE OF THE CLERK
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Denise M. Lucks
Clerk of Court

Gabriela Acosta
Chief Deputy Clerk

September 26, 2018

TO: The Honorable Judge Laurie Smith Camp

FROM: Clerk, United States District Court
Lindsey Olson

DATE: September 24, 2018

SUBJECT: 8:13CR105 USA v. DeFoggi et al

You are receiving this memorandum because a petitioner filed a notice of appeal in this habeas case and the clerk's office cannot process the appeal to the Eighth Circuit until one or more issues are resolved.[1]

Certificate of Appealability: As of the date of this memorandum, no ruling has been made with respect to the certificate of appealability. In accordance with Rule 11(a) of the Rules Governing Proceedings Under 28 U.S.C. § 2254 or § 2255, the district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.

Filing Fee/IFP Status: The filing fee has not been paid. The clerk's office cannot process this appeal to the Eighth Circuit until either the appellate filing fee is paid or the question of the petitioner's authorization to proceed in forma pauperis is resolved. In order to assist the clerk's office in its processing of this appeal, please mark the appropriate box:

☒ No separate order will be entered because the petitioner is entitled to proceed on appeal in forma pauperis without further authorization pursuant to Rule 24(a)(3) of the Federal Rules of Appellate Procedure.

☐ A separate order or further proceedings will be required to address the petitioner's authorization to proceed in forma pauperis. The clerk's office ☐ is ☐ is not directed to set a 30-day case management deadline checking on the status of the processing of this appeal.

[1] The purpose of this memorandum is to assist in the timely processing of this appeal by notifying you that one or more issues may require your attention before the clerk's office can process the appeal. Please feel free to disregard this memorandum if the issue or issues raised will be addressed by a separate order.

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