IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, **Plaintiff,** **vs.** **TIMOTHY DEFOGGI,** **Defendant.**	**8:13CR105** **ORDER**

This matter is before the Court on Defendant's Notice of Appeal, ECF No. 363, and the Clerk's memorandum addressing Defendant's ability to proceed on appeal in forma pauperis, ECF No. 364. For the following reasons, the Court will not permit Defendant to proceed in forma pauperis.

"A litigant seeking to appeal a judgment must either pay the required filing fees . . . or proceed in forma pauperis . . . ." *Swift v. Williams*, No. 8:17CV331, 2017 WL 6812606, at *1 (D. Neb. Dec. 13, 2017) (citing 28 U.S.C. § 1915; Fed. R. App. P. 3, 24). Under 28 U.S.C. § 1915(a)(3), "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." The standard of good faith requires the litigant to show that there is an objectively nonfrivolous ground for appeal. *Coppedge v. United States*, 369 U.S. 438, 444 (1962).

Defendant seeks to appeal an Order from this Court, ECF No. 362, denying Defendant's pro se Motion to Unseal Court Records, ECF No. 361. The documents sealed in this case were sealed at the request of defense counsel and pursuant to Federal Rule of Criminal Procedure 49.1 and the district's local rules, NECrimR 12.5 and 49.1.1.

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The Court finds no nonfrivolous ground for appeal and certifies that Defendant's appeal is not taken in good faith. Accordingly,

IT IS ORDERED:

1. Defendant is denied leave to proceed in forma pauperis on appeal;
2. The Clerk of Court is directed to mail a copy of this Order to the Defendant at his last known address; and
3. The Clerk of Court is directed to provide a copy of this Order to the United States Court of Appeals for the Eighth Circuit.

Dated this 14th day of January, 2020.

BY THE COURT:

s/Laurie Smith Camp
Senior United States District Judge