

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

DAVID SCHIED,
Plaintiff

5:21-cv-5030

vs.

ORDER GRANTING
PLAINTIFF'S MOTION TO
PROCEED IN FORMA
PAUPERIS ON APPEAL

UNITED STATES OF AMERICA, et al,
Defendants

On July 29, 2021, judgment was entered in favor of Defendants, United States of America, et al, and against Plaintiff, David Schied. (Doc. 15). Schied filed a notice of appeal (Doc. 16). In the District Court, Plaintiff moved for leave to proceed in forma pauperis (Doc. 6), which was granted. (Doc. 14). “[I]n forma pauperis status does not require a litigant to demonstrate absolute destitution.” *Lee v. McDonald’s Corp.*, 231 F.3d 456, 459 (8th Cir. 2000). But in forma pauperis status is a privilege, not a right. *Williams v. McKenzie*, 834 F.2d 152, 154 (8th Cir. 1987). Federal Rule 24 of Appellate Procedure **requires** an appellant seeking to proceed in forma pauperis on appeal to so move in the district court and file **an affidavit** that shows the party’s “inability to pay[.]” **“claims an entitlement to**

redress[,]” and “states the issues that the party intends to appeal.” Fed. R. App. P.

24(a)(1). After review of his financial affidavit, this Court finds that Schied has insufficient funds to pay the \$505 filing fee.

Accordingly, it is ORDERED:

1. That Schied’s motion for leave to proceed in forma pauperis (Doc. 6) is granted for purposes of appeal.

DATED this 19th day of August, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lawrence L. Piersol", written over a horizontal line.

Lawrence L. Piersol

United States District Judge

ATTEST:

MATTHEW W. THELEN, CLERK

A handwritten signature in black ink, appearing to read "Matthew W. Thelen", written over a horizontal line.