

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

DAVID SCHIED,
Plaintiff

5:21-cv-5035

vs.

U-HAUL INTERNATIONAL,
Defendant

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

On August 2, 2021, judgment was entered in favor of Defendant, U-Haul International, and against Plaintiff, David Schied. (Doc. 11). Schied filed a notice of appeal (Doc. 12). In the District Court, Plaintiff moved for leave to proceed in forma pauperis (Doc. 2), which was granted. (Doc. 10). “[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

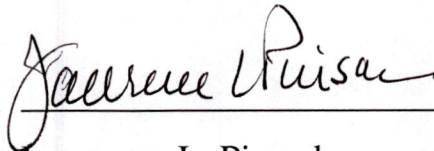
review of his financial affidavit, this Court finds that Schied has insufficient funds to pay the \$505 filing fee.

Accordingly, it is ORDERED:

1. That Schied's motion for leave to proceed in forma pauperis (Doc. 2) is granted for purposes of appeal.

DATED this 19th day of August, 2021.

BY THE COURT:

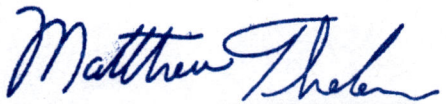
A handwritten signature in black ink, appearing to read "Lawrence Piersol", written over a horizontal line.

Lawrence L. Piersol

United States District Judge

ATTEST:

MATTHEW W. THELEN, CLERK

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