

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
v.)	
)	No. 06-20021-01-KHV
HECTOR MOREIRA,)	
)	
Defendant.)	
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MEMORANDUM AND ORDER

On October 5, 2007, the Court sentenced defendant to life in prison. On November 25, 2020, the Court dismissed Movant Hector Moreira’s Emergency Pro Se Motion For A Reduction Of His Term Of Imprisonment Pursuant To Title 18 U.S.C. § 3582(c)(1)(A) (Doc. #767), which sought compassionate release. See Memorandum And Order (Doc. #775). Defendant appealed. This matter is before the Court on Hector Moreira’s Pro Se Motion For Leave To Proceed In Forma Pauperis While On Appeal (Doc. #779) filed January 4, 2021, which the Court construes as a motion to proceed on appeal without prepayment of fees. Because the Court previously appointed counsel for defendant under 18 U.S.C. § 3006A, he may appeal without prepayment of fees and costs or security therefor and without filing the affidavit required by Section 1915(a) of Title 28. See Fed. R. App. P. 24(a)(3); 18 U.S.C. § 3006A(d)(7).¹

IT IS THEREFORE ORDERED that Hector Moreira’s Pro Se Motion For Leave To Proceed In Forma Pauperis While On Appeal (Doc. #779) filed January 4, 2021, which the Court construes as a motion to proceed on appeal without prepayment of fees, is **OVERRULED** as

¹ Under Rule 24(a)(3), defendant is permitted to proceed in forma pauperis without further authorization unless the Court certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. Defendant’s appeal appears to be in good faith.

moot. Pursuant to Fed. R. App. P. 24(a)(3) and 18 U.S.C. § 3006A(d)(7), defendant may proceed on appeal without prepayment of fees. The Clerk is directed to forward a copy of this order to the Clerk of the Tenth Circuit.

Dated this 13th day of January, 2021 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge