

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DALE K. HILL,

Defendant.

**Case No. 11-20090-01 (Criminal)
16-2465 (Civil)**

ORDER

This matter is before the court on defendant's Application to Proceed Without Prepayment of Fees and Affidavit By a Prisoner (Doc. 65) in order to file for a certificate of appealability in the United States Court of Appeals for the Tenth Circuit.

Under the Federal Rules of Appellate Procedure, "[a] party who was permitted to proceed in forma pauperis in the district-court action, *or who was determined to be financially unable to obtain an adequate defense in a criminal case*, may proceed in forma pauperis without further authorization[]" Fed. R. App. P. 24(3) (emphasis added).

Defendant was appointed counsel in his criminal case because the magistrate judge found he was financially unable to employ counsel. (Doc. 2). The court therefore finds that defendant may proceed in forma pauperis "without further authorization" in his appeal to the Tenth Circuit.

IT IS THEREFORE ORDERED that defendant's Application to Proceed Without Prepayment of Fees and Affidavit By a Prisoner (Doc. 65) is granted. Defendant may file his appeal without paying the requisite fees.

Dated this 21st day of June 2017, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge