

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD TERRY HEIT,

Plaintiff,

Case No. 1:96-cv-800

v.

HONORABLE PAUL L. MALONEY

MICHIGAN DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

_____ /

ORDER GRANTING REQUEST TO APPEAL *IN FORMA PAUPERIS*

A review of the docket sheet for this case reflects that on June 30, 2008, Eric Martin filed a motion seeking money damages under this case number for the class action. On July 16, 2008, the Magistrate Judge rejected his motion because (1) he is not a party to the case and (2) the case was closed on January 8, 2001. On August 2, 2008, Mr. Martin filed an objection to the Magistrate Judge's ruling and on August 13, 2008, the Magistrate Judge issued another order rejecting Mr. Martin's objections for the same two reasons. After receiving a letter from Mr. Martin, this Court reviewed the objection to the Magistrate Judge's order under FED.R.CIV.P. 72. On September 26, 2008, this Court issued an order that found Mr. Martin was a member of the class on whose behalf the action was brought and accepted Mr. Martin's motion for filing, but denied the relief he had sought in the motion. Mr. Martin has appealed this decision to the Sixth Circuit Court of Appeals and requests permission to Appeal *In Forma Pauperis*. Upon review, the Court concludes that Plaintiff is financially unable to pay the costs of appeal and is entitled to proceed *in forma pauperis* without prepayment of fees. *See Callihan*

v. Schneider, 178 F.3d 800, 803–04 (6th Cir. 1999). Therefore,

IT IS HEREBY ORDERED that Plaintiffs' Request for Permission to Appeal *In Forma Pauperis* (Dkt. No. 417) is **GRANTED**.

Dated: December 17, 2008

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge