

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MEL JOHNSON

Plaintiff

v.

EDWARD KLEM, et al.

Defendant

CIVIL ACTION

No. 04-410

**MEMORANDUM / ORDER**

January 5, 2005

On July 8, 2004, this court adopted the Report and Recommendation of Magistrate Judge Welsh denying Mel Johnson's petition for a writ of habeas corpus. Mr. Johnson has appealed, and has moved this court under Rule 24 of the Federal Rules of Appellate Procedure for leave to proceed in forma pauperis on appeal to the United States Court of Appeals for the Third Circuit. The affidavit attached to Mr. Johnson's motion states that he has \$1.59 in his prison account, that his sole income comes from his monthly prison wage of approximately \$30, and that he has no other assets.

I find that Mr. Johnson is unable to pay the filing fee assessed by the Third Circuit. Accordingly, it is hereby ORDERED that the motion for leave to proceed in forma pauperis (Dockets #21 and 22) is GRANTED.

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Pollak, J.