

TITLE VI — HABEAS CORPUS; PROCEEDINGS IN FORMA PAUPERIS

FEDERAL RULE OF APPELLATE PROCEDURE 22

Habeas Corpus and Section 2255 Proceedings

[OMITTED]

FEDERAL RULE OF APPELLATE PROCEDURE 23

Custody or Release of a Prisoner in a Habeas Corpus Proceeding

[OMITTED]

FEDERAL RULE OF APPELLATE PROCEDURE 24

Proceeding in Forma Pauperis

(a) Leave to Proceed in Forma Pauperis.

(1) Motion in the District Court.

Except as stated in [Rule 24\(a\)\(3\)](#), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;*
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

* [Federal Circuit Form 6](#) is this court's version of Form 4.

FEDERAL RULE OF APPELLATE PROCEDURE 24

(2) Action on the Motion.

If the district court grants the motion, the party may proceed on appeal without prepaying or giving security for fees and costs, unless a statute provides otherwise. If the district court denies the motion, it must state its reasons in writing.

(3) Prior Approval.

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 on appeal in forma pauperis without further authorization, unless:

- (A) the district court — before or after the notice of appeal is filed — certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding; or
- (B) a statute provides otherwise.

(4) Notice of District Court's Denial.

The district clerk must immediately notify the parties and the court of appeals when the district court does any of the following:

- (A) denies a motion to proceed on appeal in forma pauperis;
- (B) certifies that the appeal is not taken in good faith; or
- (C) finds that the party is not otherwise entitled to proceed in forma pauperis.

(5) Motion in the Court of Appeals.

A party may file a motion to proceed on appeal in forma pauperis in the court of appeals within 30 days after service of the notice prescribed in [Rule 24\(a\)\(4\)](#). The motion must include a copy of the affidavit filed in the district court and the district court's statement of reasons for its action. If no