

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Nina Y. Wang**

Criminal Case No. 23-cr-00074-NYW-1

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. DEJANE REANIECE LATTANY,

Defendant.

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**ORDER GRANTING LEAVE TO PROCEED *IN FORMA PAUPERIS***

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This matter is before the Court on *pro se* Defendant DeJane Reaniece Lattany's Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 in a Criminal Case (the "IFP Motion"). [Doc. 34]. For the reasons below, the IFP Motion will be **GRANTED**.

The fees and costs associated with a direct criminal appeal fall under the standards and procedures set forth under the Criminal Justice Act ("CJA"), 18 U.S.C. § 3006A. *United States v. Osuna*, 141 F.3d 1412, 1414 (10th Cir. 1998). Section 3006A(c) provides, "[i]f at any stage of the proceedings, including an appeal, the United States magistrate judge or the court finds that the person is financially unable to pay counsel whom [she] had retained, it may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate." If a defendant who is entitled to the appointment of CJA counsel "appeals to an appellate court or petitions for a writ of certiorari, [she] may do so without prepayment of fees

and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.” 18 U.S.C. § 3006A(d)(7).

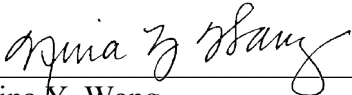
Defendant’s declarations in the IFP Motion reflect that she is financially unable to pay retained counsel and qualifies to proceed on appeal without prepayment of fees or costs. *See* [Doc. 34]. Thus, the Court will grant the IFP Motion.

Accordingly, it is

**ORDERED** that the Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 in a Criminal Case [Doc. 34] is **GRANTED**.

Dated September 11, 2023.

BY THE COURT:

  
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Nina Y. Wang  
United States District Judge