

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION

DWAIN VAUGHN,)	
)	
Petitioner,)	
)	
v.)	Case No. 11-cv-1001
)	
RICARDO RIOS,)	
)	
Respondent.)	

O P I N I O N and O R D E R

Before the Court are the Motion for Leave to Appeal in forma pauperis (Doc. 9) and the Supplement to the Notice of Appeal (Doc. 12) filed by Petitioner. The Motion is DENIED and this Court certifies that the appeal is not taken in good faith.

Petitioner states that this Court erred in denying his habeas petition because the Supreme Court’s decision in *Begay v. United States*, 553 U.S. 137 (2008) excludes him from career offender status for purposes of sentencing. This Court, however, did not rule on the applicability of *Begay* to Petitioner’s sentence but rather indicated that he must seek relief pursuant to 28 U.S.C. § 2255. Petitioner offers no basis to appeal this ruling. Therefore, and for the reasons set forth in this Court’s January 14, 2011 Order, the appeal is not taken in good faith. See 28 U.S.C. § 1915(a)(3).

Entered this 9th day of March, 2011

s/ Joe B. McDade

 JOE BILLY MCDADE
 Senior United States District Judge