

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JEROME WILLIAMS,)	
)	
Petitioner)	
)	
vs.)	CAUSE NO. 3:10-CV-531 RM
)	(Arising out of 3:08-CR-72 RM)
UNITED STATES OF AMERICA,)	
)	
Respondent)	

OPINION and ORDER

On October 2, 2014, Jerome Williams filed a Notice of Appeal with the court of appeals, requesting that that court issue a certificate of appealability relating to the September 17 denial of his petition filed pursuant to 28 U.S.C. § 2255. His request was forwarded to this court for resolution. Mr. Williams hasn't paid the filing fee nor has he requested that he be permitted to proceed *in forma pauperis* on appeal, so the court will construe his Notice of Appeal as containing an *in formal pauperis* request.

Issuance of a certificate of appealability requires the court to find that Mr. Williams has made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The record shows that Mr. Williams hasn't demonstrated that his counsel at resentencing or on appeal provided ineffective assistance or that his due process rights were violated. Thus, he hasn't made the necessary showing of the denial of a constitutional right, and his request for a certificate of appealability will be denied.

Federal Rule of Appellate Procedure 24(a)(3) provides that a financially indigent person may be permitted to proceed on appeal *in forma pauperis* unless the court “certifies that the appeal is not taken in good faith.” In other words, the court must determine “that a reasonable person could suppose that the appeal has some merit.” Walker v. O’Brien, 216 F.3d 626, 632 (7th Cir. 2000). Because no reasonable person could find that Mr. Williams’s appeal has any merit, the court concludes that his appeal is not taken in good faith, and his request for pauper status must be denied.

Based on the foregoing, Mr. Williams’s motion for a certificate of appealability and for leave to proceed *in forma pauperis* on appeal are DENIED.

SO ORDERED.

ENTERED: October 30, 2014

/s/ Robert L. Miller, Jr.
Judge, United States District Court

cc: J. Williams
AUSA Schmid; AUSA Hollar; AUSA Cremeans
Clerk, Seventh Circuit Court of Appeals