

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

FITZGERALD RUSSAW,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACT. NO. 1:17-cv-76-ECM
)	(WO)
KARLA JONES, <i>et al.</i> ,)	
)	
Respondents.)	

OPINION and ORDER

On April 26, 2019, the Petitioner filed a *pro se* Notice of Appeal (doc. 20) and Motion for Leave to Appeal *in forma pauperis* (doc. 21) which the court construes as containing a motion for a certificate of appealability.

28 U.S.C. § 1915(a) provides that “[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” In making this determination as to good faith, the court must use an objective standard, such as whether the appeal is “frivolous,” *Coppedge v. United States*, 369 U.S. 438, 445 (1962), or “has no substantive merit.” *United States v. Bottoson*, 644 F.2d 1174, 1176 (5th Cir. Unit B 1981). Applying this standard, the court is of the opinion that, for the reasons stated in the Recommendation (doc. 16) and the Memorandum Opinion adopting the Recommendation (doc 18), the Petitioner’s appeal is without

