

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

NUE CHEER FRANKLIN,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:09-cv-1075-MEF
)	WO
THE HEALTHCARE AUTHORITY FOR)	
BAPTIST HEALTH, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This cause is now before the Court on the plaintiff's Notice of Appeal (Doc. #79) which the Court construes to contain a motion for leave to proceed on appeal *in forma pauperis* filed on September 21, 2010.

Title 28 U.S.C. § 1915(a)(3) 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.”¹ In making this determination as to good faith, a court must use an objective standard, such as whether the appeal is "frivolous." *Coppedge v. United States*, 369 U.S. 438, 445 (1962). “The statute

¹ See 28 U.S.C. § 1915(e):

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that--

(A) the allegation of poverty is untrue; or

(B) the action or appeal--

(i) is frivolous or malicious;

(ii) fails to state a claim on which relief may be granted; or

(iii) seeks monetary relief against a defendant who is immune from such relief.

