

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

THERRAL HATFIELD,	)	
	)	
Petitioner,	)	
	)	
v.	)	CASE NO. 2:13-CV-324-WKW
	)	[WO]
UNITED STATES OF	)	
AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

Before the court is Petitioner Therral Hatfield’s Notice of Appeal (Doc. # 56), which is construed as containing a motion for leave to appeal *in forma pauperis* and motion for certificate of appealability. (Doc. # 55.) The motions are due to be denied.

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 May 1981) (per curiam). In addition, a certificate of appealability is necessary before a petitioner may pursue an appeal in a habeas corpus proceeding. *See* 28 U.S.C. § 2253(c). To mandate the issuance of a

certificate of appealability, a petitioner must make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see also Barefoot v. Estelle*, 463 U.S. 880, 893 (1983).

Applying these standards, the court is of the opinion that Petitioner’s appeal is without a legal or factual basis and, accordingly, is frivolous and not taken in good faith. *See Rudolph v. Allen*, 666 F.2d 519, 520 (11th Cir. 1982) (per curiam). Furthermore, Petitioner has failed to make a substantial showing of the denial of a constitutional right.

Accordingly, it is ORDERED that Petitioner’s motion for leave to appeal *in forma pauperis* and motion for certificate of appealability (Doc. # 55) are DENIED.

DONE this 9th day of November, 2015.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE