

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

IN RE:)
)
KEITH A. NELMS,)
)
Debtor.)
)
KEITH A. NELMS,)
)
Appellant,)
)
v.)
)
CHASE BANK USA, NA,)
and JP MORGAN CHASE)
BANK, NA,)
)
Appellees.)

CIVIL ACTION NO.
2:14cv927-MHT
(WO)

ORDER

This cause is now before the court on appellant Keith A. Nelms's motion for leave to appeal in forma pauperis (doc. no. 25).

28 U.S.C. § 1915(a)(3) provides that, "An 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,

a 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 15, 1981) (per curiam); see also *Rudolph v. Allen*, 666 F.2d 519, 520 (11th Cir. 1982) (per curiam); *Morris v. Ross*, 663 F.2d 1032 (11th Cir. 1981).

Federal Rule of Appellate Procedure 24 sets forth the procedure for obtaining leave to appeal in forma pauperis. It states:

"(1) Motion in the District Court. Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;

(B) claims an entitlement to redress; and

(C) states the issues that the party intends to present on appeal."

Fed. R. App. P. 24. Nelms has failed to attach an affidavit claiming an entitlement to redress and stating the issues that he intends to present on appeal. Without a statement of the issues, the court cannot assess whether his appeal is taken in good faith.

Accordingly, it is ORDERED that appellant Keith A. Nelms's motion to proceed on appeal in forma pauperis is denied.

DONE, this the 23rd day of October, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE