

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

CHASE CARMEN HUNTER,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:14-CV-1146-WKW
)	[WO]
JIM L. RIDLING, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the court is Plaintiff's objection to the November 14, 2014 order of the Magistrate Judge and motion to appeal *in forma pauperis*. (Doc. # 14.) When Ms. Hunter filed this lawsuit, she also filed a motion for leave to proceed *in forma pauperis*. (Doc. # 2.) On November 14, 2014, the Magistrate Judge denied Ms. Hunter's motion for leave to proceed *in forma pauperis* on the grounds that her declaration revealed an average monthly income of \$1,925 and equity totaling \$150,000 in her home and other real property. (Doc. # 8.) Accordingly, the Magistrate Judge ordered Ms. Hunter to pay the required civil action filing fee on or before December 3, 2014, if she wished to prosecute the action. That deadline passed without a filing from Ms. Hunter, and on December 10, 2014, her action was dismissed without prejudice by court order. (Doc. # 10.)

As with all orders on nondispositive motions decided by a Magistrate Judge, Federal Rule of Civil Procedure 72(a) provides that, “[a] party may serve and file objections to the order within 14 days after being served with a copy.” Fed. R. Civ. P. 72(a). Ms. Hunter did not file the present objection within the time permitted by Rule 72(a), nor did Ms. Hunter move for an extension of time in which to object. Accordingly, her objection (Doc. # 14) is due to be denied.

As to Ms. Hunter’s motion to appeal *in forma pauperis*, 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). Applying this standard, the court is of the opinion that Ms. Hunter’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).

Accordingly, it is ORDERED that Plaintiff’s objection to the November 14, 2014 court order (Doc. # 14) and motion for leave to appeal *in forma pauperis* -

(Doc. # 14) are DENIED, and that the appeal in this cause is certified, pursuant to 28 U.S.C. § 1915(a), as not taken in good faith.

DONE this 30th day of March, 2015.

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