

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

BRENT JACOBY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:15cv382-MHT
)	(WO)
WARDEN KARLA JONES,)	
et al.,)	
)	
Defendants.)	

ORDER

This cause is now before the court on plaintiff's "Notice of Intent to Appeal" (doc. no. 96), which the court is treating as a notice of appeal, a motion for leave to appeal in forma pauperis, and a motion to reconsider the entry of judgment.

Regarding the motion for leave to appeal in forma pauperis, 28 U.S.C. § 1915(a) 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). Applying this standard, this court is of the opinion, for the reasons stated in the recommendation of the magistrate judge, that the plaintiff lacks a valid legal or factual basis for appeal, and, accordingly, an appeal would be frivolous and not taken in good faith. See, e.g., Rudolph v. Allen, supra; Brown v. Pena, 441 F. Supp. 1382 (S.D. Fla. 1977), aff'd without opinion, 589 F.2d 1113 (5th Cir. 1979).

Accordingly, it is ORDERED that:

(1) The plaintiff's notice of intent to appeal (doc. no. 96) is treated as a notice of appeal.

(2) The plaintiff's motion to proceed on appeal in forma pauperis (doc. no. 96) is denied; and the appeal

in this cause is certified, pursuant to 28 U.S.C. § 1915(a), as not taken in good faith.

(3) The plaintiff's motion to reconsider the entry of judgment (doc. no. 96) is denied.

DONE, this the 4th day of October, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE