

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

BERNADETTE DICKERSON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACT. NO. 2:20-cv-163-ECM
)	(WO)
KOCH FOODS, LLC, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On July 25, 2022, the Plaintiff filed a *pro se* Notice of Appeal (doc. 71) and a motion for leave to appeal *in forma pauperis* (doc. 72) which the Court construes as containing a motion for a certificate of appealability.

Pursuant to 28 U.S.C. § 1915(a), “[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 1981). Applying this standard, the Court is of the opinion, for the reasons stated in the Memorandum Opinion and Order overruling the Plaintiff’s Objections (doc. 68) and in the Recommendation of the Magistrate Judge (doc. 65) which was adopted, the Plaintiff’s appeal is without a legal or factual basis and, accordingly, is frivolous and not taken in good faith. *See e.g. Rudolph v. Allen*, 666 F.2d 519 (11th Cir. 1982).

Accordingly, it is

ORDERED that the appeal in this cause is certified, pursuant to 28 U.S.C. § 1915(a), as not taken in good faith, and the motion for leave to appeal *in forma pauperis* and motion for a certificate of appealability (doc. 72) are DENIED.

DONE this 1st day of August, 2022.

/s/ Emily C. Marks

EMILY C. MARKS

CHIEF UNITED STATES DISTRICT JUDGE