

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02715-LTB-KLM

JEFFREY L. YARBERRY,

Plaintiff,

v.

TOM J. VILSACK, Secretary, U.S. Department of Agriculture,

Defendant.

ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL

Babcock, Senior Judge

Plaintiff has submitted a Notice of Appeal. Plaintiff previously was allowed to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this court in this action. The Court has examined the file and has determined that leave to proceed *in forma pauperis* on appeal must be denied. Pursuant to Rule 24(a)(3) of the Federal Rules of Appellate Procedure, the Court finds that this appeal is not taken in good faith because plaintiff has not shown the existence of a reasoned, non-frivolous argument on the law and facts in support of the issues raised on appeal. Accordingly, it is

ORDERED that leave to proceed *in forma pauperis* on appeal is denied because this appeal is not taken in good faith.

DATED at Denver, Colorado this 26th day of September, 2011.

BY THE COURT:

s/Lewis T. Babcock
SENIOR JUDGE, UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF COLORADO