

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

SCOTT A. STANLEY,

Petitioner,

v.

CASE NO. 4:09cv164-SPM/CAS

SECRETARY KENNETH S. TUCKER,

Respondent.

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ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS

This cause comes before the court on Petitioner Scott A. Stanley's Motion for Permission to Appeal In Forma Pauperis and Affidavit. (Doc. 40). The standard for appealing in forma pauperis requires that the appeal be taken in good faith. 28 U.S.C. § 1915(a)(3). Good faith in this context is measured objectively. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

For the reasons stated in the Report and Recommendation (doc. 22), Petitioner's claims are without arguable merit. Accordingly, the court CERTIFIES that the appeal is not taken in good faith. Petitioner's Motion for Permission to Appeal In Forma Pauperis (doc. 40) is DENIED. Petitioner must pay the \$455 filing fee within thirty days from the date of this order.

SO ORDERED this 22nd day of January, 2013.

sl M. Casey Rodgers

**M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE**