

THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

STEVEN G. MITCHELL,

Petitioner,

v.

WILLIAM M. TERRY,

Respondent.

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CIVIL ACTION NO. 5:11-CV-28 (MTT)

ORDER

This matter is before the Court on the Petitioner's Motion for Leave to Appeal In Forma Pauperis. (Doc. 28). The Magistrate Judge assigned to the case initially granted the Petitioner's Motion to Proceed In Forma Pauperis in the district court action. (Doc. 6). On September 6, 2011, the Court adopted the Magistrate Judge's Recommendation granting the Respondent's Motion to Dismiss. (Doc. 26). The Petitioner seeks to appeal that order.

Pursuant to 28 U.S.C. § 1915(a)(3), "[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." For the reasons set forth in the Court's Order granting the Respondent's Motion to Dismiss, in the Court's best judgment, an appeal from that order cannot be taken in good faith. Accordingly, the Petitioner's Motion for Leave to Appeal In Forma Pauperis is DENIED. (Doc. 28).

SO ORDERED, this 29th day of September, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT