

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

HARRY LEE BOGGS, Jr.,

Plaintiff,

v.

PATRICIA JOHNSON, RN, et al.,

Defendants.

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) **CIVIL ACTION NO. 5:12-CV-465 (MTT)**
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ORDER

Before the Court is the Plaintiff's motion to appeal *in forma pauperis*. (Doc. 40). Following a bench trial, the Court granted the Defendants' motion for judgment as a matter of law. (Doc. 36; Doc. 38). The Plaintiff appeals that judgment. However, for reasons the Court stated in its ruling – namely, that the Plaintiff had not produced any evidence showing he had a serious medical need or that either of the Defendants were deliberately indifferent to his medical needs – the Court finds the Plaintiff's appeal is not taken in good faith.

Accordingly, the Plaintiff's motion to proceed *in forma pauperis* on appeal is **DENIED**. See 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."); Fed. R. App. P. 24(a)(3) ("A party who was permitted to proceed in forma pauperis in the district-court action...may proceed on appeal in forma pauperis...unless...the district court...certifies that the appeal is not taken in good faith"). Any further requests to proceed *in forma pauperis* on appeal should be directed, on motion, to the United States Court of Appeals for the Eleventh Circuit, in accordance with Rule 24 of the Federal Rules of Appellate Procedure.

SO ORDERED this 4th day of December, 2013.

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