

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

MARK S. DAVIS,

Petitioner

VS.

Warden GLEN JOHNSON,

Respondent

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CIVIL NO. 5:14-CV-272-CAR

O R D E R

Petitioner Mark S. Davis seeks to appeal the denial of his Petition for Writ of Habeas Corpus and has filed a Motion for Leave to Proceed *in forma pauperis* on Appeal (ECF No. 99). Petitioner's Motion is now moot, as he has been denied a Certificate of Appealability ("COA"). *See* Order, May 10, 2016, ECF No. 100. After a review of the Notice of Appeal (ECF Nos. 94, 97) and the challenged Orders (ECF Nos. 52, 87), the Court also cannot find that the appeal is taken in good faith. *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.").

Petitioner's Motion to Proceed *in forma pauperis* on Appeal is therefore **DENIED**.

SO ORDERED, this 17th day of May, 2016.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE