

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

<b>CLAUDIA TURNER, et al.,</b>	:	
	:	
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	<b>Civil Action No.</b>
	:	<b>7:06-CV-13 (HL)</b>
<b>TIFT COUNTY, GEORGIA, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER**

Before the Court is Plaintiff’s Motion to Proceed in Forma Pauperis on Appeal (Doc. 11). Plaintiff asserts that as her financial circumstances have not changed, she is entitled to proceed in forma pauperis to appeal the Court’s April 6, 2006 Order dismissing Plaintiff’s claim for lack of subject matter jurisdiction. While Plaintiff’s financial circumstances may otherwise entitle Plaintiff to pauper status, a court need not allow all impoverished litigants leave to proceed in forma pauperis on appeal.

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.” (2000). In determining whether an appeal is taken in good faith, courts measure good faith by an objective standard. Lee v. Clinton, 209 F.3d 1025, 1026 (7th Cir. 2000). An appeal is in good faith if a reasonable person could find some merit in the claim. Id. Otherwise, an application to appeal in forma pauperis will be denied if the appeal cannot succeed as a matter of law. Id.

The Court dismissed Plaintiff’s claim for failure to plead subject matter jurisdiction after both attempting to construe Plaintiff’s filings to find any possible basis for jurisdiction and

allowing Plaintiff the opportunity to clarify her claims. Because the Court was unable to find a possible basis for federal subject matter jurisdiction, Plaintiff's claim was dismissed. As Plaintiff has continually failed to assert any possible basis for jurisdiction, the Court determines that Plaintiff's appeal is not taken in good faith. Without some possible basis for federal jurisdiction a reasonable person could find no merit in Plaintiff's claim. Accordingly, Plaintiff's Motion to Proceed in Forma Pauperis on Appeal is denied.

**SO ORDERED**, this the 23rd day of June, 2006.

/s/ Hugh Lawson  
**HUGH LAWSON, Judge**

scs