

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

CLIFFORD McMAUGH,

Plaintiff,

v.

**LANCO TRUCKING, INC.,
LANGDALE FOREST PRODUCTS
CO., and JERALD STROUD,**

Defendants.

Civil Action No. 7:13-CV-125 (HL)

ORDER

Before the Court is Plaintiff's *pro se* Motion to Appeal *In Forma Pauperis* ("IFP") (Doc. 41). For the reasons stated below, the motion is denied. A party wishing to proceed IFP on appeal must first demonstrate "the party's inability to pay or to give security for [the] fees and costs" associated with the appeal. Fed. R. App. Pro. 24(a)(1)(A). The affidavit Plaintiff filed in support of his motion convinces the Court of his indigence. His monthly income is only \$1,088.00, which is well below his monthly expenses of \$1,451.00.

Even if of limited financial means, a party may not appeal IFP "if the trial court certifies in writing that [the appeal] is not taken in good faith." 28 U.S.C. § 1915(a)(3). The party's IFP affidavit must "claim[] an entitlement to redress" and "state[] the issues the party intends to present on appeal." Fed. R. App. Pro. 24(a)(1)(B)–(C). Nothing in Plaintiff's notice of appeal, IFP motion, or affidavit

indicates his appeal is taken in good faith. While his notice of appeal states that he “would like to Contest th[e] Ruling in [this] Case,” the only reason he provides is “incomp[et]ent Attorneys.” “Simply stated ... there is no constitutional or statutory right to effective assistance of counsel on a civil case.” Mekdeci ex rel. Mekdeci v. Merrell Nat’l Labs., 711 F.2d 1510, 1522 (11th Cir. 1983) (internal quotation omitted). A party “does not have any right to a new trial in a civil suit because of inadequate counsel....” Id. (internal quotation omitted). “A litigant who selects counsel generally cannot later complain about his counsel’s acts or omissions.” Kramer v. Conway, 962 F. Supp. 2d 1333, 1357 (N.D. Ga. 2013). Therefore, Plaintiff’s appeal is “without arguable merit in law or fact” and is not brought in good faith. Napier v. Preslicka, 314 F.3d 528, 531 (11th Cir. 2002). Plaintiff’s motion is denied.

SO ORDERED, this the 10th day of February, 2015.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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