

**In the United States District Court
For the Southern District Of Georgia
Brunswick Division**

YVONNE L. MURPHY,

Plaintiff,

v.

CITY OF BRUNSWICK, GEORGIA; and
OFFICER CHRISTINE R. DHEEL,

Defendants.

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CIVIL ACTION NO.: CV215-029

ORDER

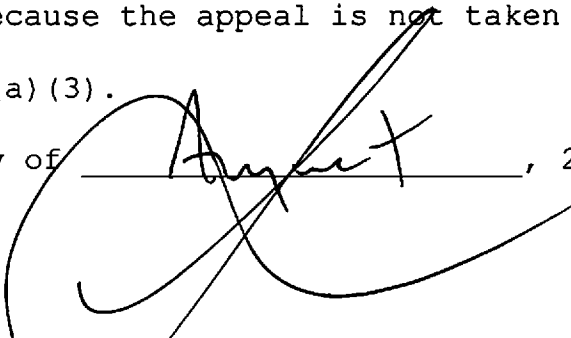
Before the Court is Plaintiff's Notice of Appeal filed on August 10, 2015. Dkt. No. 26. Plaintiff seeks to appeal this Court's July 22, 2015 Order dismissing Plaintiff's claims and granting Defendants' Motion to Dismiss. Dkt. No. 24. For the reasons set forth below, Plaintiff is **DENIED** leave to proceed on appeal *in forma pauperis*.

An appeal cannot be taken *in forma pauperis* if the trial court certifies, either before or after the notice of appeal is filed, that the appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3). Good faith in this context must be judged by an objective standard. Busch v. Cnty. of Volusia, 189 F.R.D. 687, 691 (M.D. Fla. 1999). A party does not proceed in good faith when it seeks to advance a frivolous claim or argument. See Coppedge v. United States, 369 U.S. 438, 445 (1962); Whitted v. Roberts, Case No. 06-CV-776-KDB, 2010 WL

2025391, at *1 (S.D. Ala. Apr. 27, 2010). A claim or argument is frivolous when it appears the factual allegations are clearly baseless or the legal theories are indisputably meritless. Neitzke v. Williams, 490 U.S. 319, 327 (1989); Carroll v. Gross, 984 F.2d 392, 393 (11th Cir.1993). Or, stated another way, an in forma pauperis action is frivolous and, thus, not brought in good faith, if it is "without arguable merit either in law or fact." Napier v. Preslicka, 314 F.3d 528, 531 (11th Cir.2002); Bilal v. Driver, 251 F.3d 1346, 1349 (11th Cir. 2001). "Arguable means capable of being convincingly argued." Sun v. Forrester, 939 F.2d 924, 925 (11th Cir.1991) (internal quotations and citations omitted).

For the reasons set forth in this Court's Order dismissing Plaintiff's Complaint, the claims and arguments Plaintiff seeks to raise on appeal are without arguable merit in either law or fact. Put simply, the Court sees no non-frivolous ground for appeal. Consequently, the Court hereby **DENIES** Plaintiff leave to appeal *in forma pauperis* because the appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3).

SO ORDERED, this 27 day of August, 2015.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA