

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

**THEOWANDA LAMB,**

**Plaintiff,**

**v.**

**608CV093**

**WARDEN STEVE UPTON, DANE  
DASHER, JOHNNY KENNEDY, JAMES  
DONALD, TOM SITTNICK, SHEVONDAH  
FIELDS, R. REARDON, JOHNNY SMITH,  
and LARRY WAGNER,**

**Defendants.**

**ORDER**

On 5/20/10, this Court adopted the Magistrate Judge's Report and Recommendation ("R&R"), dismissing the remaining claims and defendants from this case.<sup>1</sup> Doc. ## 61 (R&R), 68 (Adoption Order). On 6/23/10, the Court received Plaintiff's Notice of Appeal, doc. # 74, as to that Order, which this Court also construes as a motion for leave to appeal *in forma pauperis* (IFP).

To obtain IFP status on appeal, a party's appeal must be taken in good faith. 28 U.S.C. § 1915(a)(3). Good faith, in turn, means that there is an issue on appeal that is not frivolous when judged under an objective standard. *See Coppedge v. U.S.*, 369 U.S. 438, 445 (1962); *Busch v. County*

*of Volusia*, 189 F.R.D. 687, 691 (M.D. Fla. 1999). A claim is frivolous if it is "without arguable merit either in law or fact." *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

Lamb has failed to point to any particular issue that he wishes to raise on appeal. The Court has reviewed the R&R and Adoption Order and is unable to parse out a single valid basis for appeal. Summary judgment was granted to Defendants because the uncontroverted facts did not reveal any procedural or substantive due process violations against Plaintiff.<sup>2</sup> *See* doc. # 61 at 3-19. For the foregoing reasons, Plaintiff Theowanda Lamb's motion for IFP status on appeal is **DENIED**. Doc. # 74.

This day of 28 June 2010.



**B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA**

<sup>1</sup> On 10/13/09, the Court adopted an R&R recommending the dismissal of all defendants except Dane and Dasher. Doc. ## 13 (R&R), 36 (Adoption Order). Plaintiff filed a Notice of Appeal as to that Order, but the Eleventh Circuit dismissed the appeal because the Order he sought to appeal did not completely dispose of his claims. Doc. # 66 at 1-2.

<sup>2</sup> To the extent Lamb intends to appeal the adoption of the first R&R, which dismissed certain other claims and all defendants except Dane and Dasher, the Court likewise is unable to identify a single issue to support a good faith appeal, *see* doc. ## 13 (R&R), 36 (Adoption Order), and thus declines to grant IFP status.