

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

**TRAVIS NAPIER KING,**

**Plaintiff,**

**v. 608CV109**

**STEVE UPTON, JOHN PAUL, JOE  
BURNETTE, JOHNNY SMITH, and  
LARRY BREWTON,**

**Defendants.**

**ORDER**

Prisoner Travis Napier King filed this 42 U.S.C. § 1983 case against prison officials contesting the conditions of his confinement while at Georgia State Prison. Doc. # 1. Upon motion by the Defendants, this Court dismissed the case, finding that King's Complaint did not contain a plausible claim of deliberate indifference to a significant risk of harm to his health and safety. Doc. # 38. King has filed a notice of appeal (NOA), which this Court construes as a motion to appeal *in forma pauperis* (IFP). Doc. # 41.

The Court found that King, whose claims were based upon his temporary sleeping arrangements at the prison (in sum, he had to sleep on a mattress on the floor for six nights, which, on one night, caused him to come into contact with toilet water that had overflowed from another inmate's toilet and had seeped into the adjacent cells), had not alleged facts sufficient to state a claim. In particular, he had failed to allege facts indicating that the sleeping arrangements (including the fact that toilet water made contact with his skin) posed an excessive risk to his health or safety, nor that any particular defendant had direct involvement

with (much less deliberate indifference to) the alleged deprivation of rights, nor that there had been a denial of the "minimal civilized measure of life's necessities." *Id.* at 2-3 (quoting *Farmer v. Brennan*, 511 U.S. 825, 834 (1994)). Finally, the Court held that King had not made the necessary allegations to support a claim for supervisory liability against Defendants Upton and Paul. *Id.* at 3.

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).

King has failed to point to any particular issue that he wishes to raise on appeal. The Court has reviewed its Order and does not see even a glimmer of hope for King on appeal; his claims were dismissed because they were wholly without merit. For the foregoing reasons, plaintiff Travis Napier King's motion for IFP status on appeal is **DENIED**. Doc. # 41.

This day of 25 January 2010.



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