

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS

Leander Carter,  
Plaintiff,

v.

09-2247

Dr. Bashir Ameji, et al.,  
Defendants.

OPINION

The plaintiff seeks leave to proceed on appeal in forma pauperis [119]. Under 28 U.S.C. § 1915(a)(3), the court is required to determine if the plaintiff's appeal is taken in good faith. "Good faith" within the meaning of § 1915(a)(3) is not about the plaintiff's sincerity in requesting appellate review. Rather, an appeal taken in "good faith" is an appeal that, objectively considered, raises non-frivolous colorable issues. *See Cruz v. Hauck*, 404 U.S. 59, 62 (1971); *see also Coppedge v. United States*, 369 U.S. 438, 445 (1962). The Court cannot find a good faith basis for his appeal. *See Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000), where the court held that an appeal from a dismissal for frivolousness cannot be in good faith. For the reasons stated in its June 28, 2010 [69], August 26, 2011 [103] and [104], and September 7, 2011 [108] Orders, the Court finds that this action does not raise a substantial issue meriting relief from judgment.

However, the United States Court of Appeals for the Seventh Circuit has ruled that where the appellant was authorized to proceed in forma pauperis in the district court, a district judge who after receiving the notice of appeal doubts that it is in good faith should, before denying the appellant's in forma pauperis status, give him an opportunity to submit a statement of his grounds for appealing. *See Celske v. Edwards*, 164 F.3d 396 (7<sup>th</sup> Cir. 1999). A plaintiff that identifies issues that are debatable among jurists, or that could be resolved in a different manner, or that are sufficient to deserve encouragement to proceed further demonstrate a good faith basis for an appeal. *Pate v. Stevens*, 163 F.3d 437, 439 (7th Cir. 1998).

IT IS THEREFORE ORDERED:

1. The plaintiff is directed to submit a brief informing the court of his grounds for appealing within twenty-one (21) days from the date of this order. If the plaintiff fails to respond within the time specified, the court will make an assessment of the issue of good faith without further consideration. Defendants may file a response, within fourteen days of Plaintiff's filing his brief.
2. The clerk of the court is directed to forward a copy of this order to the United

States Court of Appeals for the Seventh Circuit.

Enter this 13th day of October 2011.

/s/ Michael P. McCuskey

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Michael P. McCuskey  
Chief United States District Judge