

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ANTONIO G. REYES,**

**Plaintiff,**

**v.**

**ANTHONY RAMOS,**

**Defendant.**

**No. 07-541-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Before the Court is Plaintiff's Motion for Leave to Appeal *In Forma Pauperis* (Doc. 44). On May 21, 2010, the Court issued an Order (Doc. 42), which denied without prejudice Plaintiff's initial motion for leave to appeal IFP (Doc. 37) but granted Reyes leave to file a renewed motion with the proper documents. Plaintiff's current motion seeks presumably to renew his motion and he has provided a statement of assets as directed by the Court.

To obtain leave to appeal IFP, Reyes must adequately show his inability to pay appellate filing fees by submitting an affidavit, along with his motion, "that includes a statement of all assets such prisoner possess that the person is unable to pay such fees or give security therefore. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress." **28 U.S.C. § 1915(a)(1); see also FED.R.APP.P. 24(a)(1)**. Secondly, "[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." **28 U.S.C. § 1915(a)(3); see also FED.R.APP.P. 24(a)(3)**.

Reviewing Reyes' trust fund account statement (Doc. 44 Ex. 2) which is now properly filed<sup>1</sup>, it appears that he does not have the financial means to pay the entire filing fee up front. However, the Court must also determine that his appeal is made in good faith. No where in his motion does he state the issues he is raising on appeal or why he believes the Court's decision granting Defendant's summary judgment motion was incorrect. He raises no issues for appeal in his motion. Therefore, the Court cannot say that his appeal is taken in good faith. Accordingly, the Court **DENIES** Plaintiff's motion for leave to appeal *in forma pauperis* (Doc. 44). Plaintiff may attempt to reapply to the Seventh Circuit Court of Appeals for leave to proceed *in forma pauperis* on appeal.

**IT IS SO ORDERED.**

Signed this 30th day of July, 2010.

/s/ David R. Herndon

**Chief Judge  
United States District Court**

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<sup>1</sup> Plaintiff's new motion contains a certified copy of his Prisoner Trust Fund Statement which shows that Plaintiff currently has \$0.07 in his account.