

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

DONNA K. and FRANK T. PEARSON,

Plaintiffs,

v.

HSBC BANK, *et al.*,

Defendants.

Case No. 10-cv-959-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Donna Pearson’s Motion for Leave to Appeal *in Forma Pauperis* (Doc. 25).

A federal court may permit a party to proceed on appeal without full pre-payment of fees provided the party is indigent and the appeal is taken in good faith. 28 U.S.C. § 1915(a)(3) (2006); Fed. R. App. P. 24(a)(3). A frivolous appeal cannot be made in good faith. *Lee v. Clinton*, 209 F.3d 1025, 1026-27 (7th Cir. 2000). The test for determining if an appeal is in good faith or not frivolous is whether any of the legal points are reasonably arguable on their merits. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (citing *Anders v. California*, 386 U.S. 738 (1967)); *Walker v. O’Brien*, 216 F.3d 626, 632 (7th Cir. 2000).

Here, for the reasons cited in the Court’s Memorandum and Order (Doc. 7) of December 14, 2010, Mrs. Pearson’s interlocutory appeal is assuredly frivolous. Put simply, Mrs. Pearson cannot reasonably argue that her state court litigation should be independently removed to this Court. Accordingly, the Court **DENIES** the instant motion (Doc. 25).

IT IS SO ORDERED.

DATED: January 3, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE