

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RONDALE LEE CHAPMAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 13-cv-384-JPG

Criminal No 11-cr-40031-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on petitioner Rondale Lee Chapman's motion for leave to proceed on appeal *in forma pauperis* (Doc. 45). 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)(1) & (3); Fed. R. App. P. 24(a)(3)(A). 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).

The Court is satisfied from Chapman's affidavit that he is indigent. However, for the reasons the Court denied Chapman's § 2255 motion and a certificate of appealability, the Court finds the legal points he wishes to appeal are not reasonably arguable on their merits. Accordingly, the Court **DENIES** Chapman's motion for leave to proceed on appeal *in forma pauperis* (Doc. 45) and **DIRECTS** the Clerk of Court to send a copy of this order to the Court of Appeals in conjunction with Appeal No. 14-2994.

**IT IS SO ORDERED.****DATED: October 20, 2014**

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