

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE:

KIM DOWNS,

Debtor.

Case No. 14-cv-1386-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on appellant debtor Kim Downs' motion for leave to proceed on appeal *in forma pauperis* (Doc. 15) and motion for service of process at government expense (Doc. 16).

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 that Downs is indigent. It also appears that some of the legal points at issue in the appeal may be reasonably arguable on their merits.

For this reason, the Court **GRANTS** Downs' motion for leave to proceed on appeal *in forma pauperis* (Doc. 15). The Court further **DENIES as moot** her motion for service of process at government expense (Doc. 16) because there is nothing that requires service of process at this stage of the case. The Court **DIRECTS** the Clerk of Court to send this order to the Court of Appeals in conjunction with Appeal No. 15-1370.

IT IS SO ORDERED.**DATED: March 25, 2015**

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