

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

HERMAN ADDISON, JR.,

Plaintiff,

vs.

No. 3:14-cv-01405-DRH-SCW

TRACY NEWTON, et al.,

Defendants.

ORDER

HERNDON, District Judge:

Plaintiff filed suit pursuant to 42 U.S.C. § 1983 and Illinois common law alleging that the defendants violated the Due Process and Equal Protection clauses and are liable for defamation. Plaintiff's claims are premised on the allegation that he was improperly forced to register as a sex offender in the State of Illinois. On November 30, 2015, the Court entered an order granting the defendants' motion for summary judgment (Doc. 58) and judgment was entered on December 2, 2015 (Doc. 59).

Now the plaintiff has filed notice of appeal, a request for leave to proceed *in forma pauperis* on appeal, and a request for a certificate of appealability. Because this is a § 1983 action, plaintiff does not need a certificate of appealability. Accordingly, the motion for a certificate of appealability is **DENIED** as unnecessary.

The Court notes the plaintiff proceeded *in forma pauperis* in this Court. In general, such a defendant may proceed on appeal *in forma pauperis* without

further authorization unless the district court certifies that the appeal is not taken in good faith or that the party is otherwise not entitled to proceed *in forma pauperis* on appeal. See FED. R. APP. P. 24(a)(3). To conclude that an appeal is in good faith, “a court need only find that a reasonable person could suppose that the appeal has some merit.” *Id.* at 632 (*citing Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000)). While the Court believes that plaintiff’s appeal lacks merit, it cannot say that his appeal is taken in bad faith.

Accordingly, finding that the plaintiff remains indigent, the motion for leave to appeal *in forma pauperis* is **GRANTED**. Based on the plaintiff’s filings, he will not be required pay the appellate filing fee.

IT IS SO ORDERED.

Signed this 21st day of December, 2015.

Digitally signed
by Judge David
R. Herndon
Date: 2015.12.21
15:07:34 -06'00'

United States District Judge