

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

DALLAS MCINTOSH,
Plaintiff,
vs.
NICHOLAS GAILIUS, et al,
Defendants.
Case No. 16-CV-1018-SMY

MEMORANDUM AND ORDER

YANDLE, District Judge:

Plaintiff Dallas McIntosh filed this 42 U.S.C. § 1983 action related to a traffic stop. The case is now before the Court for consideration of McIntosh’s Motion to Proceed in Forma Pauperis (“IFP”) on Appeal (Doc. 271).

The 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). An appeal is taken in “good faith” if it seeks review of any issue that is not clearly frivolous, meaning that a reasonable person could suppose it to have at least some legal merit. Lee v. Clinton, 209 F.3d 1025, 1026 (7th Cir. 2000).

McIntosh identifies two issues that he intends to appeal (whether this Court abused its discretion in dismissing his case with prejudice and whether several dismissed defendants were immune from suit) and provides necessary details regarding his financial condition. Based on that information, the Court finds that he is indigent and that his appeal is taken in good faith. Accordingly, his motion is GRANTED.

IT IS SO ORDERED.

DATED: February 22, 2023

Handwritten signature of Staci M. Yandle over the court seal.

STACI M. YANDLE
United States District Judge