

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

AARON BENSON,

Petitioner,

vs.

No. 3:17-CV-00736-DRH-CJP

B. TRUE,

Respondent.

MEMORANDUM and ORDER

HERNDON, District Judge:

Pending before the Court is Aaron Benson's ("petitioner") motion to proceed in forma pauperis on appeal (doc. 22). On December 29, 2017 the Court granted respondent's motion to dismiss and dismissed petitioner's 28 U.S.C. § 2241 petition with prejudice (doc. 15). The Clerk of the Court entered judgment (doc. 16). On February 27, 2018, petitioner filed a notice of appeal (doc. 17). Based on the following, the Court **DENIES** the motion to proceed in forma pauperis on appeal (doc. 22).

According to 28 U.S.C. § 1915(a)(3), "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." *Id.* To determine that an appeal is taken in good faith, the Court "need only find that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000) (citing *Lee v. Clinton*, 209 F.3d 1025, 026 (7th Cir. 2000)). No reasonable person could reach the conclusion that the

appeal is taken in good faith as the Court found petitioner's claims regarding improper sentencing enhancement meritless and further, barred by waiver in his plea agreement.

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis on appeal (doc. 22) is **DENIED**. Petitioner shall tender the appellate filing and docketing fee of \$505.00 to the Clerk of the Court in this District within **THIRTY** (30) days of the date of the entry of this Order or he may reapply with the Seventh Circuit Court of Appeals for leave to proceed in forma pauperis on appeal.

IT IS SO ORDERED.



Judge Herndon
2018.04.16
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United States District Judge