

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	NO. 2:09-cr-43
)	2:13-cv-396
)	
JUSTIN PHILLIP CEPHUS,)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the Court on the Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis, filed by Defendant, Justin Cephus ("Cephus"), on April 28, 2015 (DE #622). For the reasons set forth below, the motion is **DENIED**.

On February 4, 2015, this Court entered an opinion and order denying Cephus' motion under 18 U.S.C. section 2255, denying several related motions, denying his request for an evidentiary hearing, and declining to issue a certificate of appealability. (DE #608.) Cephus subsequently filed a Motion for Appealability and Reconsideration, which was denied by this Court on April 8, 2015. (DE #621.) In his current motion, Cephus requests permission to appeal *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(3), "An appeal may not be taken *in forma pauperis* if the trial court certifies in writing

that it is not taken in good faith." For the same reasons that Cephus was denied a certificate of appealability in this Court's order of February 4, 2015 (DE #608), this appeal is not taken in good faith.

For the foregoing reasons, the motion (DE #622) is **DENIED**.

DATED: April 28, 2015

**/s/ RUDY LOZANO, Judge
United States District Court**