

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

SHAUN BROOKS, JR.,)	
)	
<i>Petitioner</i>)	
)	
vs.)	CAUSE NO. 3:14-CV-2011 RM
)	(Arising out of 3:11-CR-56 RM)
UNITED STATES OF AMERICA,)	
)	
<i>Respondent</i>)	

OPINION and ORDER

On January 28, 2016, the court denied Shaun Brooks’ petition filed pursuant to 28 U.S.C. § 2255. Mr. Brooks has filed an appeal of that order, which requires the court to consider whether a certificate of appealability should be issued and Mr. Brooks be permitted to proceed *in forma pauperis* on his appeal.

Issuance of a certificate of appealability requires the court to find that Mr. Brooks has made “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). He hasn’t done so. Mr. Brooks didn’t establish any prejudice on his claims of ineffective assistance of counsel as required by Strickland v. Washington, 466 U.S. 668, 687 (1984), so his request for a certificate of appealability will be denied.

Federal Rule of Appellate Procedure 24(a)(3) provides that a financially indigent person may be permitted to proceed on appeal *in forma pauperis* unless the court “certifies that the appeal is not taken in good faith.” In other words, the court must determine “that a reasonable person could suppose that the appeal

has some merit.” Walker v. O’Brien, 216 F.3d 626, 632 (7th Cir. 2000). Because no reasonable person could find that Mr. Brooks’ appeal has any merit, the court concludes that his appeal is not taken in good faith, and his request for pauper status must be denied.

Based on the foregoing, the court DENIES issuance of a certificate of appealability and that Mr. Brooks’ be permitted to proceed *in forma pauperis* on appeal.

SO ORDERED.

ENTERED: March 14, 2016

/s/ Robert L. Miller, Jr.
Judge, United States District Court

cc: S. Brooks
AUSA Schmid