

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

VIRGIL JUSTIN SMITH,)	
)	
Petitioner,)	
)	
vs.)	CAUSE NO. 3:16-CV-00718
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

This matter is before the Court on two motions seeking to proceed in forma pauperis on appeal filed by Virgil Justin Smith, a pro se prisoner, on November 18, 2016. Pursuant 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.” This successive habeas corpus petition was dismissed for want of jurisdiction. Therefore this appeal is not taken in good faith.

For the reasons set forth above, the motions (DE 9 and 10) are **DENIED** and Virgil Justin Smith is **DENIED** leave to proceed in forma pauperis on appeal.

DATED: November 22, 2016

/s/RUDY LOZANO, Judge
United States District Court