

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

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|----------------------------|---|---------------------------------|
| JOHN ANTHONY BALDWIN, JR., |) | |
| |) | |
| Petitioner |) | |
| |) | |
| vs. |) | CAUSE NO. 3:18-CV-420 RLM |
| |) | (Arising out of 3:17-CR-70 RLM) |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent |) | |

OPINION and ORDER

Defendant John Baldwin, Jr., filed an appeal challenging the court’s October 9, 2019 order denying his motion to vacate under 28 U.S.C. § 2255. His motion to proceed *in forma pauperis* on appeal and implied request for a certificate of appealability are before the court.

Issuance of a certificate of appealability requires the court to find that Mr. Baldwin has made “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). He hasn’t done 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.” Fed. R. App. P. 24(a)(3). 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). The court would be hard-pressed to make such a finding in this case, and concludes that his appeal is not taken in good faith.

Based on the foregoing, Mr. Baldwin's motion for leave to proceed *in forma pauperis* on appeal [Doc. No. 66 in 3:17cr70][Doc. No. 10 in 3:18cv420] and implied request for a certificate of appealability are DENIED.

SO ORDERED.

ENTERED: December 18, 2019

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

cc: J. Baldwin