

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

FAUSTO NUNEZ,

Movant,

vs.

UNITED STATES OF AMERICA.

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1:08-cv-1478-SEB-JMS

**ENTRY**

The movant seeks leave to proceed on appeal without prepayment of the appellate fees of \$455.00. An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915; see *Coppedge v. United States*, 369 U.S. 438, 82 S. Ct. 917 (1962). "Good faith" within the meaning of § 1915 must be judged by an objective, not a subjective, standard. See *Id.* There is no objectively reasonable argument which the movant could present to argue that the disposition of this action was erroneous. Indeed, his request to proceed on appeal *in forma pauperis* does not even make reference to the rationale for the disposition in this action, much less identify an arguable basis for believing that disposition to have been incorrect. In addition, his request for the issuance of a certificate of appealability has been denied. In pursuing an appeal, therefore, the movant "is acting in bad faith . . . [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit." *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). Accordingly, his appeal is not taken in good faith, and for this reason his request for leave to proceed on appeal *in forma pauperis* (dkt 21) is **denied**.

**IT IS SO ORDERED.**

Date: 01/08/2010

Distribution:

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SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana