

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

DR. BARRY EPPLEY, MD, DMD,)
)
Plaintiff,)
vs.)
)
LUCILLE IACOVELLI,)
)
Defendant.)

No. 1:09-cv-386-SEB-DML

CA #10-3215

Entry Discussing Request to Proceed on Appeal In Forma Pauperis

Non-party Richard Bergeron’s request for leave to proceed on appeal *in forma pauperis* (dkt 219) is **denied**.

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 (1962). "Good faith" within the meaning of § 1915 must be judged by an objective, not a subjective, standard. *Id.* There is no objectively reasonable argument which Mr. Bergeron could present to argue that the order finding him in contempt or the order imposing sanctions for such contempt were erroneous—nor does his request for leave to proceed on appeal *in forma pauperis* even suggest such an argument. In pursuing an appeal, the plaintiff "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).

IT IS SO ORDERED.

Date: 10/07/2010



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

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