

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

JOSEPH COTTMAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:13-cv-01793-JMS-DML
)	
THOMAS RICHARDSON, et al.,)	
)	
Defendants.)	

Entry Discussing Request to Proceed on Appeal *In Forma Pauperis*

The plaintiff seeks leave to proceed on appeal without prepayment of the appellate fees of \$505.00. 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 (1962). "Good faith" within the meaning of § 1915 must be judged by an objective, not a subjective, standard. *See id.*

At screening, the Court discerned that the complaint stated only a claim of denial of the plaintiff's right of access to the courts. The action, however, was dismissed without prejudice after a hearing on the issue of exhaustion of available administrative remedies. This Court did not reach the merits of the plaintiff's claim.

The plaintiff raises a number of issues on appeal, including alleged violations of the Eighth and Sixth Amendments and his denial of access to the courts. (Dkt. 48). By pursuing an appeal on any issue other than the failure to exhaust available administrative remedies on his denial of access claim is frivolous and is not taken in good faith. *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir.

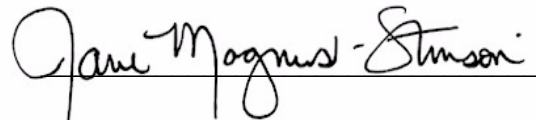
2000) (to sue in bad faith means that no reasonable person could suppose that the claim has any merit).

The plaintiff's motion for leave to proceed on appeal *in forma pauperis* [dkt. 46] is **granted in part**, that is, with respect to the issue of whether the plaintiff failed to exhaust available administrative remedies regarding his claim of denial of access to the courts. The plaintiff's motion for leave to proceed on appeal *in forma pauperis* [dkt. 46] is **denied in all other respects**.

The plaintiff is assessed an initial partial appellate filing fee of Fourteen Dollars and Thirty-Two Cents (\$14.32). He shall have **through October 1, 2014**, in which to pay this sum to the clerk of the district court.

IT IS SO ORDERED.

Date: August 27, 2014

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

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