

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

GLENDA CABLE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:14-cv-1853-TWP-DKL
)	
FCA US LLC,)	
)	
Defendant.)	

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.*

Plaintiff’s Title VII claim was rejected by the Court because plaintiff was unable to establish that the alleged harassment was severe or pervasive or that there was a basis for employer liability. In the notice of appeal, the plaintiff did not point to any specific error in the Court’s entry, rather, she claims that the Court’s factual findings were not supported by the record. However, the only finding she disputes is whether the racially offensive word found near her work station was removed within twenty-four hours. In the factual findings, the Court found that the offensive word was removed within twenty-four hours but acknowledged that plaintiff alleged that she could still see a shadow of the etching. Plaintiff now claims it took several days for it to be removed, however this assertion is not consistent with her deposition testimony or summary judgment briefing. Even assuming plaintiff’s assertion is correct, this one factual finding does not

support any specific error in the Court's determination that plaintiff was unable to establish that the alleged harassment was severe or pervasive or that there was a basis for employer liability.

In pursuing an appeal, therefore, 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). Accordingly, her appeal is not taken in good faith, and for this reason her request for leave to proceed on appeal *in forma pauperis* [dkt. 59] is **denied**.

IT IS SO ORDERED.

Date: 6/7/2016



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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