

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

WARREN PARKS,)	
)	
Petitioner,)	
)	
vs.)	Case No 1:15-cv-1856-TWP-DML
)	
SUPERINTENDENT,)	
)	
Respondent.)	

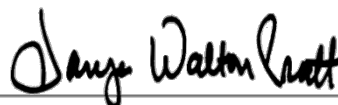
Entry Denying Motion to Proceed *In Forma Pauperis* on Appeal

The petitioner 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.*

There is no objectively reasonable argument the petitioner could present to argue that the disposition of this action was erroneous. Additionally, final judgment was entered in this action on September 22, 2016, making this notice of appeal untimely. *Fed. R. App. P.* 4(a)(1)(A). In pursuing an appeal, therefore, the petitioner "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. 38] is **denied**.

IT IS SO ORDERED.

Date: 3/22/2017



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

Electronic distribution to counsel of record via CM/ECF and to:

WARREN PARKS

116977

PENDLETON - CIF

CORRECTIONAL INDUSTRIAL FACILITY

Electronic Service Participant - Court only