

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MARK A. ALBRECHTSEN on behalf of)	
himself and a class of others similarly situated,)	
)	
Plaintiff,)	
)	No. 1:17-cv-01664-TWP-TAB
vs.)	
)	
APPLE, INC. c/o CT Corporation System,)	
Registered Agent, 818 W 7th Street, Suite 930)	
Los Angeles, CA 90017,)	
)	
Defendant.)	

Entry Denying 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.* There is no objectively reasonable argument the plaintiff could present to argue that the disposition of this action was erroneous. In fact, the plaintiff agreed with the Court’s determination that it lacked subject matter jurisdiction.

To the extent the *pro se* plaintiff wishes to challenge the Court’s decision not to certify the action as a class action, that too is not an objectively reasonable claim. 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, his appeal is not taken in good faith, and for this reason his request for leave to proceed on appeal *in forma pauperis*, dkt. [24], is **denied**.

IT IS SO ORDERED.

Date: 9/19/2017

Distribution:

MARK A. ALBRECHTSEN
4752 Stardust Circle
Plainfield, IN 46168

A handwritten signature in black ink, reading "Tanya Walton Pratt". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

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