

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

GOD also known as MICHAEL H. WALLER,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:17-cv-03028-TWP-MJD
)	
INDIANA UNIVERSITY BLOOMINGTON,)	
IN,)	
LILLY LIBRARY,)	
)	
Defendants.)	

**Entry Discussing Request to Proceed on Appeal *In Forma Pauperis*
and Motion For Leave to File Electronically**

This matter is before the Court on the Plaintiff's Alternative Motion for Leave to Proceed on Appeal in Forma Pauperis or Motion for Leave to Proceed on Appeal without the Prepayment of the Filing Fee per Constitutional Right, dkt. [20]. Also pending is a Motion for Leave to File Documents Electronically, dkt. [21]. For the reasons stated below, both motions are **denied**.

The Plaintiff filed this action on August 31, 2017 alleging that Defendants violated his right to worship God by denying him the ability to read the original edition of the Book of Mormon. See dkt. [1]. That same date, Plaintiff filed a motion for leave to proceed in forma pauperis, which the court denied because plaintiff had failed to file an affidavit of income and expenses, dkt. [6]. Thereafter, Plaintiff filed a notice of his intent to appeal the order issued at docket 6.

Plaintiff now 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 has been no final judgment issued in this case. The plaintiff has filed his notice of appeal in response to an Entry requiring him to either pay the filing fee or qualify for *in forma pauperis* status. Dkt. 6. 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. [20], is **denied**.

The plaintiff’s motion for leave to file electronically, dkt. [21], is **denied** because the plaintiff has not provided good cause for his request and the Court discerns no basis on which to grant such a request.

IT IS SO ORDERED.

Date: 12/6/2017



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

Distribution:

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