

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CHRISTOPHER MICHAEL JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cv-01088-JPH-TAB
)	
ARTHUR SIBLEY, et al.)	
)	
Defendants.)	

**ORDER DENYING MOTION FOR LEAVE
TO PROCEED ON APPEAL *IN FORMA PAUPERIS***

The Court entered final judgment for the defendants in this action on September 20, 2019. Dkt. 81; *see* dkt. 80 (granting defendants' motion for summary judgment). Plaintiff Christopher Michael Johnson appealed, dkt 83, and the Seventh Circuit dismissed the appeal on March 4, 2020, for failure to pay the appellate filing fee, *see* dkt. 93 (mandate). Mr. Johnson now has filed another notice of appeal and motion for leave to proceed on appeal *in forma pauperis*. Dkts. 96, 100.

"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(a)(3). "Good faith" within the meaning of § 1915 is judged by an objective, not a subjective, standard. *See Thomas v. Zatecky*, 712 F.3d 1004, 1006 (7th Cir. 2013) ("bad faith" is understood to mean objective frivolousness). There is no objectively reasonable argument Mr. Johnson could present to argue that the disposition of this case was erroneous. Moreover, his notice of appeal is untimely by several months. In pursuing an appeal, therefore, he "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. [100], is **DENIED**.

SO ORDERED.

Date: 10/30/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

CHRISTOPHER MICHAEL JOHNSON
270993
Grayson Co. Detention Center
320 Shaw Station Road
Leitchfield, KY 42754

Andrew J. Upchurch
OFFICE OF CORPORATION COUNSEL
andrew.upchurch@indy.gov