

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

WESLEY I PURKEY,	)	
	)	
Plaintiff,	)	
vs.	)	2:09-cv-44-WTL-DML
	)	
H.J. MARBERRY, Warden, et al.,	)	
	)	
Defendants.	)	

**Entry Discussing Request to Proceed on Appeal In Forma Pauperis**

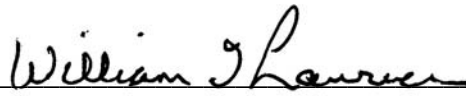
The plaintiff’s request for leave to proceed on appeal *in forma pauperis* (dkt 25) is **denied**. An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915; see *Coppedge v. United States*, 369 U.S. 438 (1962). "Good faith" within the meaning of § 1915 must be judged by an objective, not a subjective, standard. *Id.* There is no objectively reasonable argument which the plaintiff could present to argue that this court’s collection order of June 14, 2010, was unwarranted or improper—nor does his request for leave to proceed on appeal *in forma pauperis* even suggest such an argument. In pursuing an appeal, 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).

**IT IS SO ORDERED.**

Date: 07/13/2010

Distribution:

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 Hon. William T. Lawrence, Judge  
 United States District Court  
 Southern District of Indiana