POWELL v. HALL et al Doc. 222

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA

ANDRE POWELL,		)	
	Plaintiff,	)	
vs.	,	)	2:09-cv-69-JMS-MJD
STEPHEN HALL, et al.,		)	CA #12-1667
	Defendants.	)	

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

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 the disposition of this action was erroneous—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).

Based on the foregoing, therefore, the plaintiff's request for leave to proceed on appeal *in forma pauperis* (dkt 220) is **denied.** 

Hon. Jane Magnus-Stinson, Judge United States District Court Southern District of Indiana

IT IS SO ORDERED.

Date: \_\_04/10/2012

Distribution:

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All Electronically Registered Counsel