UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

CLYDE W. HAIRE,	)	
	)	
Petitioner,	)	
vs.	)	2:09-cv-245-WTL-TAB
	)	
H.J. MARBERRY,	)	
	)	
Respondent.	)	

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

The petitioner seeks leave to proceed on appeal without prepayment of the appellate fees of $455.00. 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 petitioner could present to argue that the disposition of this action was erroneous. In pursuing an appeal, therefore, the petitioner "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: 07/16/2010

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

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