

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

RICHARD BECK,)	
)	
Petitioner,)	
v.)	No. 2:10-cv-306-JMS-DML
)	
J. BASINGER,)	
)	
Respondent.)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

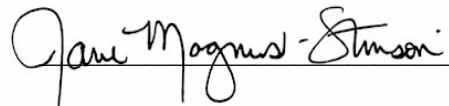
1. The petitioner’s renewed petition for a certificate of appealability [26] is **denied** for the same reasons as explained in Part II of the Entry issued on May 20, 2011, and because the notice of appeal filed on June 20, 2012, is hopelessly untimely.

2. 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* [24] **denied**.

3. The petitioner has also filed a motion for appointment of counsel. That motion [25] is **denied** because it has been filed in the wrong forum and because there is no reason to appoint counsel in an appeal doomed to dismissal.

IT IS SO ORDERED.

Date: 06/26/2012


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

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