

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

ANTHONY COBBS,)	
)	
Petitioner,)	
v.)	No. 2:11-cv-122-JMS-DKL
)	
R BROWN,)	
)	
Respondent.)	

Entry Concerning Selected Matters

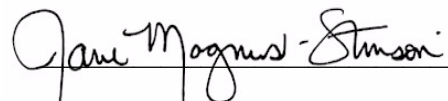
The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The petitioner 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* [27] is **denied**.

2. The petitioner's request for the appointment of counsel [27] is **denied** because (a) it has been filed in the wrong forum, and (b) there is no supportable reason to appoint counsel to aid in a frivolous appeal.

IT IS SO ORDERED.

Date: 10/26/2011



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

Distribution:

Anthony Cobbs
DOC #956172
Wabash Valley Correctional Facility
6908 S. Old U.S. Highway 41
P.O. Box 500
Carlisle, IN 47838

Stephanie.Rothenberg@atg.in.gov