

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

WILLIAM OSCAR HARRIS,	)	
	)	
Petitioner,	)	
v.	)	Case No. 2:13-cv-043-JMS-WGH
	)	
JOHN C. OLIVER,	)	
Respondent.	)	

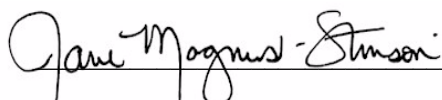
**Entry Discussing Request to Proceed on Appeal *In Forma Pauperis***

The petitioner has filed a notice of appeal of the order denying his *ex parte* motion to stay proceedings to arbitrate. 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 ruling in the order denying the motion to stay 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. 20] is **denied**.

**IT IS SO ORDERED.**

Date: 08/29/2013

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

Distribution:

William Oscar Harris

#40743-050

Terre Haute FCI

Inmate Mail/Parcels

P.O. Box 33

Terre Haute, IN 47808

All electronically registered counsel