

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT BOWLING GREEN**

COREY LEA

PLAINTIFF/APPELLANT

v.

CIVIL ACTION NO. 1:12CV-52-M

**UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF CIVIL RIGHTS *et al.***

DEFENDANTS/APPELLEES

MEMORANDUM AND ORDER

Plaintiff Corey Lea filed a *pro se* notice of appeal (DN 16). He advises that he has been granted pauper status by the district court.

Under Rule 24 of the Federal Rules of Appellate Procedure, a plaintiff may proceed on appeal *in forma pauperis* without further authorization, unless “the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding.” Fed. R. App. P. 24(a)(3)(A).

Lea does not specify an order of this Court that he is challenging, and the last order entered by the Court prior to his filing of the notice of appeal was in Plaintiff’s favor.¹ Because Plaintiff does not indicate that he is appealing any order, this Court **CERTIFIES** that an appeal is not taken in good faith. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962) (holding that “good faith” is demonstrated when a petitioner “seeks appellate review of any issue not frivolous”).

¹The Court granted Lea’s application to proceed without prepayment of fees in the district-court action (DN 14).

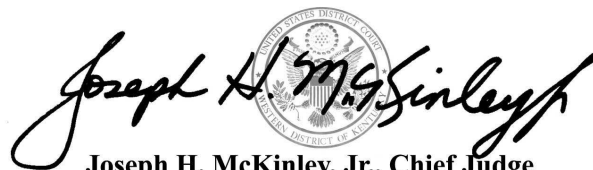
Because the Court has certified that an appeal would not be taken in good faith, Lea, in order to proceed with an appeal in this action, **must either (1) pay the \$455.00 appellate filing fee in full to the Clerk of the District Court within 30 days of service of this Order; or (2) file a motion to proceed on appeal *in forma pauperis* in the United States Court of Appeals for the Sixth Circuit within 30 days of service of this Order in accordance with Fed. R. App. P. 24(a)(5).** *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

Should Lea choose to pay the full \$455.00 appellate filing fee rather than file a motion to proceed on appeal *in forma pauperis* in the Court of Appeals, payment shall be made payable to **Clerk, U.S. District Court** and mailed to or made in person at the following address:

United States District Court
Western District of Kentucky
106 Gene Snyder Courthouse
601 West Broadway
Louisville, Kentucky 40202

Failure either to pay the \$455.00 filing fee or to file an application to proceed on appeal *in forma pauperis* with the United States Court of Appeals for the Sixth Circuit **within 30 days** may result in dismissal of the appeal. *See Callihan*, 178 F.3d at 804.

Date: October 31, 2012


Joseph H. McKinley, Jr., Chief Judge
United States District Court

cc: Plaintiff, *pro se*
Defendants
Clerk, Sixth Circuit Court of Appeals
4414.005