

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

JOHN C. NEWMAN

CIVIL ACTION

VERSUS

WARDEN STEVE RADER, ET AL

NO. 08-734-B-M2

RULING

The Court has considered the petitioner's application for leave to proceed in forma pauperis on appeal (R. Doc. 26), the certified trust fund account statement or institutional equivalent, and all consents and other documents required by the agency having custody of the appeal to withdraw funds from the account. The Court finds that the application for leave to proceed in forma pauperis should be denied because, pursuant to 28 U.S.C. §1915(a)(3) and Fed. R. App. P. 24(a)(3), for the reasons set forth in the Magistrate Judge's report, the Court certifies that the appeal is not taken in good faith.

Accordingly;

IT IS ORDERED that the petitioner's application for leave to proceed in forma pauperis on appeal (R. Doc. 26) is hereby **DENIED**.

Baton Rouge, Louisiana, November 18, 2009.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA