

certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). “Good faith” for purposes of 28 U.S.C. § 1915(a)(3) does not mean “good faith from [the petitioner's] subjective point of view.” *Coppedge v. United States*, 369 U.S. 438, 444 (1962). Instead, “‘good faith’ in this context must be judged by an objective standard [A] defendant’s good faith in this type of case [is] demonstrated when [the petitioner] seeks appellate review of any issue not frivolous.” *Coppedge*, 369 U.S. at 445. An appeal is deemed frivolous when it is based on an “indisputably meritless legal theory or factual allegations that are clearly baseless.” *Forte v. Sullivan*, 935 F.2d 1, 3 (1st Cir. 1991) (citing *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989)). Thus, because it is clear that this court lacks subject-matter jurisdiction, the appeal fails to raise any legal points that are arguable on the merits.

Accordingly, for the above reasons, the motion (Docket No. 9) for leave to appeal in forma pauperis is DENIED. This ruling does not preclude Masomi from filing a motion to proceed in forma pauperis in the Court of Appeals, provided he does so pursuant to Fed. R. App. P. 24(a)(5).

So Ordered.

Dated: April 11, 2018

/s/ F. Dennis Saylor
F. Dennis Saylor, IV
United States District Judge