

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN ADAMS,

Petitioner,

Case Number: 2:07-CV-14439

v.

HON. MARIANNE O. BATTANI

CARMEN PALMER,

Respondent.

ORDER GRANTING PETITIONER'S MOTION TO WAIVE FEES ON APPEAL

The Court denied Petitioner's application for a writ of habeas corpus on March 18, 2010. The Court also declined to issue a certificate of appealability. Now before the Court is Petitioner's Motion to Waive Fees on Appeal.

Federal Rule of Appellate Procedure 24(a)(1) provides that a party to a district-court action who desires to appeal *in forma pauperis* must file a motion in the district court. An appeal may not be taken *in forma pauperis* if the court determines that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). "[T]he standard governing the issuance of a certificate of appealability is more demanding than the standard for determining whether an appeal is in good faith." *U.S. v. Cahill-Masching*, 2002 WL 15701, * 3 (N.D. Ill. Jan. 4, 2002). "[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 631 (7th Cir. 2000). While the Court held that jurists of reason would not find the Court's assessment of the claims presented in Petitioner's habeas corpus petition to be debatable or wrong, the Court finds that an appeal may be taken in good faith. The Court, therefore, shall grant Petitioner leave to proceed *in forma*

pauperis on Appeal.

Accordingly, **IT IS ORDERED** that Petitioner's "Motion to Waive Fees on Appeal"
[dkt. # 16] is **GRANTED**.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: August 17, 2010

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon all parties of record via ordinary U.S. Mail and/or electronically.

s/Bernadette M. Thebolt
Case Manager