

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

BRUCE J. HALL,

Plaintiff,

v.

Case No. 12-11497

LAPEER COUNTY MEDICAL
EXAMINER'S OFFICE, et al.,

Defendants.

**ORDER DENYING APPLICATION TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

On April 30, 2012, the court, after granting Plaintiff Bruce Hall's application to bring this suit without the prepayment of fees under 28 U.S.C. § 1915(a)(1), dismissed his complaint under 28 U.S.C. § 1915(e)(2) for failing to state a claim upon which relief may be granted. Plaintiff filed a timely notice of appeal and, on July 23, 2012, he filed a *pro se* application to proceed *in forma pauperis* on that appeal.

A party given permission to proceed without prepayment of fees in the district court normally does not need further authorization to proceed *in forma pauperis* on appeal. Fed. R. App. P. 24(a)(3). However, this is not the case when the district court certifies that an appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3)(A). For the reasons stated in the court's opinion and order dismissing Plaintiff's complaint—namely, Plaintiff's failure to allege any discernable legal claim that is not barred by the statute of limitations—Plaintiff's appeal of that order is frivolous and not taken in good faith. See *Coppedge v. United States*, 369 U.S. 438, 445 (1962)

(holding that good faith under § 1915(a) is demonstrated when party seeks appellate review of any issue that is not frivolous). Therefore, the court has not extended him permission to pursue his appeal without prepayment of fees.

Moreover, when a party to a district-court action desires to appeal *in forma pauperis*, he must file a motion in the district court accompanied by an affidavit: describing in detail his inability to pay; claiming an entitlement to redress; and stating the issues that the party intends to present on appeal. Fed. R. App. P. 24(a)(1). As Plaintiff's application does not conform to these procedural requirements, the court sees no reason to allow him to proceed on appeal without paying the requisite fees.

Accordingly,

IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis* on appeal [Dkt. # 7] is DENIED. In accordance with Federal Rule of Appellate Procedure 24(a)(5), Plaintiff may file in the court of appeals a motion to proceed *in forma pauperis* on appeal within **thirty days** after service of this order.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 13, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 13, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522