

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

RUSHAD CHILDRESS,

Petitioner,

Case Number: 2:12-14914
HONORABLE SEAN F. COX

v.

CARMEN PALMER,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION TO PROCEED
IN FORMA PAUPERIS ON APPEAL (ECF No. 25)**

Petitioner Rushad Childress filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court denied the petition on February 16, 2017, and also declined to issue a certificate of appealability. Petitioner has filed a Notice of Appeal. Now before the Court is Petitioner's Motion to Proceed *In Forma Pauperis* 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]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 decision that the petition was meritless to be debatable or wrong, the Court finds that an appeal may be taken in good

faith.

Accordingly, the Court GRANTS Petitioner's Motion to Proceed *In Forma Pauperis* on Appeal (ECF No. 25).

SO ORDERED.

Dated: May 2, 2017

s/Sean F. Cox

Sean F. Cox

U. S. District Judge

I hereby certify that on May 2, 2017, the foregoing document was served on counsel of record via electronic means and upon Rushad Childress via First Class mail at the address below:

Rushad Childress
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s/J. McCoy

Case Manager