UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

DEANDRE WITHERSPOON.

Petitioner,

Case Number: 2:13-CV-13295 HON. GERSHWIN A. DRAIN

v.

DEWAYNE BURTON,

Ke	spo	nde	nt.	

ORDER DENYING PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL

This matter is presently before the Court on Petitioner Anthony Williams' Motion to Proceed In Forma Pauperis on Appeal [#13] with respect to his appeal of this Court's denial of his petition for writ of habeas corpus. The Court notes that Petitioner has attached a Certificate of Prisoner Institutional/Trust Fund Account Activity signed by the custodian at the correctional facility in which he is housed. The computer printout typically attached to such Certificate was not attached; as such, technically, Petitioner's Motion is incomplete. Even if the Court assumes that Petitioner's financial circumstances would dictate a finding of indigency, however, for the reasons set forth below, the Court concludes that Petitioner is not entitled to proceed *in forma pauperis* with respect to the present appeal. As such, the Court need not defer a decision on Petitioner's motion until such time as he provides all of the necessary financial documentation.

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). The Court finds that "a reasonable person

would not suppose that the present appeal has [any] merit."

Accordingly, IT IS ORDERED that Petitioner's Motion to Proceed In Forma Pauperis on

Appeal [#13] is DENIED.

IT IS SO ORDERED.

/s/Gershwin A Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

Dated: October 7, 2015