

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Jessica Monique Rowell,

Plaintiff,

v.

Civil No. 12-697 (JNE/AJB)  
ORDER

State & Federal Government,

Defendants.

On April 11, 2012, the Court adopted a Report and Recommendation dated March 21, 2010, denying Plaintiff's application for leave to proceed in forma pauperis and dismissing the action without prejudice. Plaintiff filed a notice of appeal and an application to proceed in district court without prepaying fees or costs. The Court construes the latter as an application for in forma pauperis status on appeal.

To qualify for in forma pauperis status on appeal, a litigant who appeals from a judgment in a civil action must submit information that demonstrates the litigant's inability to pay, or give security for, the appellate filing fees. 28 U.S.C. § 1915(a)(1) (2006). Even if the litigant is financially eligible to proceed in forma pauperis on appeal, the litigant may not appeal in forma pauperis if the district court "certifies in writing that [the appeal] is not taken in good faith." *Id.* § 1915(a)(3). Good faith in this context is judged by an objective standard rather than the subjective beliefs of the appellant. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). To determine whether an appeal is taken in good faith, a court must decide whether the claims to be decided on appeal are factually or legally frivolous. *Id.* An appeal is frivolous, and therefore cannot be taken in good faith, "where it lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). For the reasons set forth in the Report and Recommendation, Plaintiff's "conspiracy lawsuit" against the "State and Federal Government" is

“grounded wholly on delusions” and is legally frivolous. Plaintiff’s appeal is likewise frivolous. The Court denies her application for in forma pauperis status on appeal.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT

IS ORDERED THAT:

1. The Court certifies that Plaintiff’s appeal is not taken in good faith.
2. Plaintiff’s Application to Proceed In Forma Pauperis on Appeal [Docket No. 8] is DENIED.

Dated: April 23, 2012

s/ Joan N. Ericksen

JOAN N. ERICKSEN  
United States District Judge