

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Brandi Kniebes-Larsen,

Petitioner,

v.

Case No. 18-cv-1261 (JNE/BRT)
ORDER

United States of America,

Respondent.

This case is before the Court on Petitioner's application to proceed in forma pauperis on appeal. Petitioner, who is incarcerated at the Federal Correctional Institution—Waseca, filed a notice of appeal after the Court dismissed her section 2241 petition and entered judgment.

To qualify for in forma pauperis status on appeal, a prisoner who appeals from a judgment in a civil action must submit information that demonstrates the prisoner's inability to pay, or give security for, the appellate filing fees. 28 U.S.C. § 1915(a)(1) (2012). Petitioner's motion indicates that she is financially eligible to proceed in forma pauperis on appeal.

Even if the prisoner is financially eligible to proceed in forma pauperis on appeal, the prisoner 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). To determine whether an appeal is taken in good faith, the Court must decide whether the claims to be decided on appeal are factually or legally frivolous. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). 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). Although the Court remains satisfied that Petitioner’s claims in this case have been properly adjudicated, the Court declines to certify that the appeal is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3) (2012). The Court grants Petitioner’s motion for leave to proceed in forma pauperis on appeal. Therefore, IT IS ORDERED THAT:

1. Petitioner’s application to proceed in forma pauperis on appeal [ECF No. 12] is GRANTED.

Dated: January 3, 2019

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge