UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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ROSALINA MAYAS,

Plaintiff,

-against-

AMERICAN DENTAL OFFICES,

Defendant.
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NOT FOR PUBLICATION
MEMORANDUM & ORDER
12-cv-1893 (CBA) (JO)

AMON, Chief United States District Judge.

On March 31, 2014, this Court, in adopting a Report & Recommendation ("R&R") issued by Magistrate Judge James Orenstein, granted defendant's motion for summary judgment in this employment discrimination case. Pro se plaintiff Rosalina Mayas has now filed a motion to file an appeal in forma pauperis. (D.E. # 38.)

The decision of whether to grant a motion to proceed in forma pauperis is within the discretion of the district court. See Burda Media Inc. v. Blumenberg, 731 F. Supp. 2d 321, 322 (S.D.N.Y. 2010). A litigant may not proceed in forma pauperis if the district court certifies in writing that the appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3); see Coppedge v. United States, 369 U.S. 438, 445 (1962) ("We consider . . . good faith . . . demonstrated when [a litigant] seeks appellate review of any issue not frivolous.").

Mayas states that on appeal, she seeks to establish that this Court should not have granted defendant's motion for summary judgment. She argues that the record in this case demonstrates that American Dental Offices' proffered reason for terminating her "cannot be characterized as legitimate." This Court carefully considered Mayas's claims and found them to be without merit for the reasons stated in Magistrate Judge Orenstein's R&R. The Court therefore certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from its order dismissing this case would not

be taken in good faith. Accordingly, Mayas's application to proceed in forma pauperis is denied without prejudice to her ability to seek the same relief from the Court of Appeals. Coppedge, 369 U.S. at 445-46.

SO ORDERED.

Dated: May 29, 2014
Brooklyn, N.Y.

Carol Bagley Amon
Chief United States District Judge