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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X
STANLEY SADLER,

Petitioner,

-against-

W. BROWN, Superintendent,

Respondent.
-----X

PLATT, District Judge.

09-CV-3165 (TCP)
MEMORANDUM FILED
AND ORDER IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 06 2014 ★

LONG ISLAND OFFICE

Before the Court is Stanley Sadler's ("petitioner") request to proceed *in forma pauperis* ("IFP") on appeal and for the appointment of appellate counsel. For the following reasons, petitioner's request to proceed IFP is **DENIED**. Petitioner's request for the appointment of counsel on appeal is likewise **DENIED**.

By Memorandum and Order dated November 25, 2013 ("Order"), this Court denied petitioner's application for a writ of habeas corpus. The Court held that petitioner's claims that the government failed to prove its case beyond a reasonable doubt, failed to prove the element of forcible compulsion and that his sentence was punishment for exercising his right to a jury trial were foreclosed from federal habeas review on the independent and adequate state grounds doctrine. Petitioner's request for a writ based on ineffective assistance of trial and appellate counsel were denied because petitioner did not demonstrate that either attorney rendered ineffective assistance. In any event, the state courts' holdings with respect to petitioner's Sixth Amendment claims were not contrary to clearly established federal law as determined by the Supreme Court. Furthermore, petitioner's request for a writ based on the state appellate court's denial of his writ for error coram nobis was also denied on the ground petitioner did not satisfy

the exhaustion requirement for 28 U.S.C. § 2254 petitions.

Petitioner now requests a grant of IFP status to appeal the Order. Pursuant to 28 U.S.C. § 1915(a)(3), however, “an appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”

The Court certifies that any appeal would not be taken in good faith. Therefore, petitioner’s request for IFP status to appeal the Order is denied.

Petitioner also requests that appellate counsel be appointed. Given this Court’s certification that any appeal from its Order would not be taken in good faith, petitioner’s request that counsel be appointed for the purposes of appeal is also denied. Accordingly, petitioner’s requests for IFP status and for the appointment of counsel on appeal are hereby **DENIED**.

SO ORDERED.

Dated: January 6, 2014
Central Islip, New York

/s/ Thomas C. Platt



Thomas C. Platt, U.S.D.J.