

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re MERGENTHALER,

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ROSEMARY IDA MERGENTHALER,

Appellant,

MEMORANDUM & ORDER
17-MC-1306 (JS)

-against-

R. KENNETH BARNARD, CHARLES M. FORMAN,
DEAN OSEKAVAGE, MARK A. CUTHBERTSON,
RUEDIGER ALBRECHT, and THE UNITED
STATES TRUSTEE,

Appellees.

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SEYBERT, District Judge:

On June 5, 2017, Appellant filed a motion to proceed in forma pauperis on appeal. (Appellant's Mot., Docket Entry 4.) It is well established that "an application for leave to appeal in forma pauperis will have sufficient substance to warrant consideration only if, in addition to an adequate showing of indigence and of citizenship, it identifies with reasonable particularity the claimed errors which will be the basis for the appeal." United States v. Farley, 238 F.2d 575, 576 (2d Cir. 1956). Appellant's motion fails to articulate any grounds for this appeal or any errors committed by the district court. As a result, "there is no basis for the Court to grant in forma pauperis status for appeal purposes." In re Nassau Cty. Strip Search Cases, No. 99-CV-2844, 2010 WL 4021813, at *1 (E.D.N.Y. Sept. 29, 2010); see also Garcia v. Paylock, No. 13-CV-2868, 2014 WL 1365478, at *1

(E.D.N.Y. Apr. 7, 2014). Nonetheless, the Court has reviewed the record. Based on that review, and the Appellant's history of baseless filings, the Court certifies that this appeal is not taken in good faith. See 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."). Accordingly, Appellant's motion for leave to appeal in forma pauperis (Docket Entry 4) is DENIED.

Pursuant to Federal Rule of Appellate Procedure 24, further requests to proceed in forma pauperis should be directed to the United States Court of Appeals for the Second Circuit. The Clerk of the Court is directed to mail a copy of this Order to the pro se Appellant.

SO ORDERED.

/s/ JOANNA SEYBER
Joanna Seybert, U.S.D.J.

Dated: July 20, 2017
Central Islip, New York

cc: Rosemary Ida Mergenthaler, pro se
32 Eastville Avenue
Sag Harbor, New York 11963