

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CELESTE WENEGIEME,

Plaintiff,

14 Civ. 9137

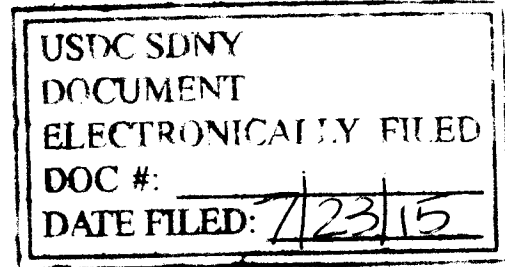
-against-

MEMORANDUM OPINION

BAYVIEW LOAN SERVICING, ET AL.,

Defendants.

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Sweet, D.J.

Plaintiff Celeste Wenegieme ("Wenegieme" or "PLaintiff") has applied for leave to appeal in forma pauperis this Court's May 7, 2015 opinion dismiss of her complaint. For the following reasons, the application is denied.

Standard for in forma pauperis Determination

"The decision of whether to grant a request to proceed in forma pauperis is left to the District Court's discretion under 28 U.S.C. § 1915. The Court's discretion is limited in that: 'An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.'" Fridman v. City of New York, 195 F. Supp. 2d 534, 536 (S.D.N.Y. 2002) (quoting 28 U.S.C. § 1915(a)(3)) (internal citations

omitted); see also Fed. R. App. P. 24(a)(3)(A) ("A party . . . may proceed on appeal in forma pauperis . . . unless the district court . . . certifies that the appeal is not taken in good faith . . ."). The standard for "good faith" in pursuing an appeal is an objective one. See Coppedge v. United States, 369 U.S. 438, 445 (1962) ("We consider a defendant's good faith . . . demonstrated when he seeks appellate review of an issue not frivolous."); see also Linden v. Harper & Row Publishers, 490 F. Supp. 297, 300 (S.D.N.Y. 1980) (applying objective "good faith" standard to civil case).

Plaintiff has failed to specify the issues she intends to raise on appeal, making a good faith determination impossible on the basis of the available papers. See Pl.'s Motion for Leave to Proceed In Forma Pauperis On Appeal, filed June 9, 2015, at p. 2 of 7 (Section labeled "My issues on appeal are: (required):" left blank). Consequently, her motion to proceed in forma pauperis is denied, with leave to replead with the issues on appeal section completed.

It is so ordered.

New York, NY
July 18, 2015



ROBERT W. SWEET
U.S.D.J.