

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL STANSELL,)	CASE NO. 1:22-cv-02222
)	
Plaintiff,)	JUDGE CHARLES E. FLEMING
)	
vs.)	
)	ORDER
KEITH FOLEY, Warden,)	[Resolving ECF No. 32]
)	
Defendant.)	
)	
)	

Pending is *Pro Se* Plaintiff Michael Stansell’s Motion to Appeal in Forma Pauperis (ECF No. 32). Pursuant to Fed. R. App. P. 24(a), in order to apply for leave to proceed *in forma pauperis* on appeal, the party must file a motion in the district court and attach an affidavit that “(A) shows in the detail as prescribed in Form 4 of the Appendix of Forms the party’s inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal.” Fed. R. App. P. 24(a)(1)(A)-(C).

Plaintiff’s affidavit failed to identify the specific issues he intends to present on appeal. Moreover, Plaintiff’s Reply in support of the motion (ECF No. 34) fails to identify the specific issues he intends to present on appeal. Therefore, Plaintiff’s Motion to Proceed *in Forma Pauperis* on Appeal fails to comply with appellate rule 24(a). *See Robinson v. Freeman*, No. 3:08-cv-488, 2010 WL 3807050, at *1 (E.D. Tenn. June 14, 2010) (citing *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972)).

In addition, the Court dismissed Plaintiff’s action pursuant to the doctrine of claim preclusion. (*See* ECF No. 29). The same rationale that led the Court to dismiss the Complaint (ECF No. 1) supports the conclusion that any appeal in the case could not be taken in good faith.

“The test for whether an appeal is taken in good faith is whether the litigant seeks appellate review of any issue that is not frivolous.” *Hayes*, 2013 WL 5739206, at *1 (citing *Coppedge v. United States*, 369 U.S. 438, 445 (1962)). In light of the Court’s reasons for dismissing the case, Plaintiff is not seeking appellate review of a non-frivolous issue. Accordingly, Plaintiff’s Motion to Appeal in Forma Pauperis (ECF No. 32) is denied. The Court certifies that an appeal from this decision could not be taken in good faith.

The Clerk of this Court shall send a copy of the within Order by regular mail to Michael Stansell #A355-967 at Grafton Correctional Institution, 2500 South Avon Belden Road, Grafton, Ohio 44044.

IT IS SO ORDERED.

Dated: February 7, 2024



CHARLES E. FLEMING
U.S. District Court Judge