

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHRISTOPHER R. BRUGGEMAN,

Plaintiff,

v.

**TERRY COLLINS, DIRECTOR OF
OHIO DEPARTMENT OF
REHABILITATION, et al.**

Defendants.

Case No. 2:09-cv-381

Judge Peter C. Economus

MEMORANDUM OPINION AND ORDER

The complaint alleges that the Director of the Ohio Department of Rehabilitation and Correction and members of the Ohio Adult Parole Authority violated the Ex Post Facto clause and the substantive and procedural due process rights guaranteed by the Fourteenth Amendment of the United States Constitution of Plaintiff Christopher R. Bruggeman, an inmate at the Madison Correctional Institution. This matter is before the Court on Plaintiff's March 17, 2011 motion to proceed on appeal *in forma pauperis*. (Dkt. 61.)

The Court determines that Plaintiff is financially indigent. The Court must next determine whether the appeal is taken in good faith. 28 U.S.C. § 1915(a)(3). *McGore v. Wrigglesworth*, 114 F.3d 601, 610–11 (6th Cir. 1997). An appeal is taken in good faith if it raises “any issue not frivolous.” *Coppedge v. United States*, 369 U.S. 438, 445 (1962). A complaint is frivolous when a plaintiff “cannot make any claim with a rational or arguable basis in law or in fact.” *Lawler v. Marshall*, 898 F.2d 1196, 1198 (6th Cir. 1990). *See also Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

For the reasons stated in this Court's January 12, 2011 Order dismissing Plaintiff's claims, this Court **CERTIFIES** that there is no arguable factual or legal basis for Plaintiff's claims, that Plaintiff's appeal would be frivolous, and that his appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3).

Accordingly, the March 17, 2011 motion for leave to appeal *in forma pauperis* (Dkt. 61) is **DENIED**.

IT IS SO ORDERED.

/s/ Peter C. Economus - April 28, 2011
UNITED STATES DISTRICT JUDGE