

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<p><b>ANTIONE DIRAY JOHNSON,</b></p>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>Case No. CIV-21-401-R</b>
	)	
<b>ANDY MOON,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

Before the Court are Plaintiff’s Motions Requesting Contempt Sanctions (Doc. No. 57) and Leave to Proceed on Appeal *in forma pauperis* (Doc. No. 58). Plaintiff has repeatedly alleged that Defendant Moon was required to answer his complaint despite this Court (*See* Doc. Nos. 41, 44, 47, 49, 51, 56) and the Tenth Circuit Court of Appeals (Doc. No. 31, at 4) holding otherwise. Accordingly, his Motion Requesting Contempt Sanctions (Doc. No. 57) is DENIED because Defendant Moon was not required to answer Plaintiff’s complaint.

Regarding Plaintiff’s Motion for Leave to Appeal *in forma pauperis* (Doc. No. 58), 28 U.S.C. § 1915(a)(3) provides that “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” Good faith in this context is demonstrated when an appeal is based on a “reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal.” *DeBardleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991); *see also Carvalho v. Pugh*, 177 F.3d 1177, 1179 (10th Cir. 1999). An appeal is not made in good faith if the issues presented therein are frivolous

in that they involve “inarguable legal conclusion[s].” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

While it is not entirely clear as to what ruling Plaintiff seeks to appeal, the Court interprets his application as an attempt to presumptively seek leave to appeal should the Court deny his Motion Requesting Contempt Sanctions (Doc. No. 57). Having denied Plaintiff’s Motion, the Court finds—and certifies—that this appeal is not made in good faith. Accordingly, the Court hereby DENIES Plaintiff’s request for leave to appeal *in forma pauperis* (Doc. No. 58). This case is closed and has been since December 6, 2021. (See Doc. No. 20). The Court does not anticipate any additional filings in this matter.

**IT IS SO ORDERED** this 17<sup>th</sup> day of January 2023.

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE