



On February 16, 2021, Plaintiffs initiated this action by filing a complaint and an accompanying application for leave to proceed in forma pauperis. (Docs. 1, 2.) Magistrate Judge Poplin granted Plaintiffs' applications, but the Court ultimately dismissed Plaintiffs' claims. (Docs. 9, 12, 45, 46.) Shortly thereafter, Plaintiffs filed notices of appeal and the present motions to proceed in forma pauperis. (Docs. 47, 48, 49, 50.) The appeal notices do not specify the grounds for Plaintiffs' appeal and, in fact, appear to be on a state rather than federal form.<sup>2</sup> (Docs. 48, 50.)

In the report, Magistrate Judge Poplin measures Plaintiffs' actions against the "good-faith standard" supplied by Federal Rule 24(a)(3) of Appellate Procedure and 28 U.S.C. § 1915(a)(3). (*Id.* at 2.) According to the standard, "an appellant is required to show that the appeal presents a substantial question that is not frivolous." *Powell v. Alcoa High School*, No. 3:10-cv-212, 2010 WL 3087387, at \*2 (E.D. Tenn. Aug. 5, 2010). To assist courts in determining whether an appeal presents a non-frivolous substantial question, Rule 24(a)(1) and 28 U.S.C. § 1915(a)(1) require parties to submit an affidavit stating the issues they anticipate presenting on appeal. *Id.* Because Plaintiffs have not supplied any detail as to what they intend to argue on appeal, "there is no way for this Court to exercise its judicial discretion to determine the meritorious character of the appeal. . . ." *Id.*

For this reason, the Court will **ACCEPT** and **ADOPT** Magistrate Judge Poplin's Report and Recommendations (Doc. 53). Accordingly, Plaintiffs' motions to proceed in forma pauperis (Docs. 47, 49) are hereby **DENIED**. Plaintiffs are permitted to file a motion to proceed in forma

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<sup>2</sup> As Magistrate Judge Poplin points out, the certificate of service portion of the form refers to Rule 20 of the Tennessee Rules of Appellate Procedure. (Doc. 53, at 5 n.1; Doc. 48, at 2; Doc. 50, at 2.)

pauperis in the Sixth Circuit Court of Appeals within thirty (30) days of receiving this order and are advised that failure to do so, or, alternatively, failure to pay the requisite filing fee, will result in the appeals dismissal for want of prosecution. *See* Fed. R. App. P. 24(a)(5).

**SO ORDERED.**

*/s/ Travis R. McDonough*

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**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**