

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BARBARA YOUNGS SETTLE,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. H-08-2050
	§	
STATE OF TEXAS, <i>d/b/a</i> LEGISLATIVE	§	
BRANCH, <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER

Barbara Youngs Settle moves for leave to proceed *in forma pauperis* on appeal, without prepayment of fees. (Docket Entry No. 17). This case was dismissed based on a number of preclusion orders against this frequent litigant. Rule 24 of the Federal Rules of Appellate Procedure provides:

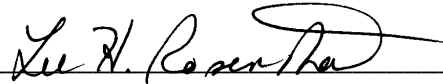
A party who was permitted to proceed in forma pauperis in the district-court action, . . . may proceed on appeal in forma pauperis without further authorization, unless:

A. *the district court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states its reasons for the certification or finding.*

FED. R. APP. P. 24(a)(3) (emphasis added). In deciding whether to grant a party leave to appeal *in forma pauperis*, a district court considers whether the party “seeks appellate review of any issue “not frivolous.” *Howard v. King*, 707 F.2d 215, 219-220 (5th Cir. 1983) (citations omitted). Finding that appeal would be frivolous, this court certifies that the appeal

is not taken in good faith and Settle should not be allowed to proceed on appeal *in forma pauperis*. Her motion, Docket Entry No. 17, is denied. If Settle disagrees with this court's denial of his motion to proceed on appeal *in forma pauperis* and the finding that the appeal is not taken in good faith, she may petition the Fifth Circuit for a review of the decision.

SIGNED on June 29, 2009, at Houston, Texas.

A handwritten signature in cursive script, reading "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal
United States District Judge