



in good faith if it presents an arguable issue on the merits and therefore is not frivolous. *Crawford v. Child Protective Servs.*, 834 Fed. App'x 100, 100 (5th Cir. 2021) (per curiam).

Plaintiff was previously granted leave to proceed *in forma pauperis* in this case. Accordingly, Rule 24(a)(3) of the Federal Rules of Appellate Procedure also applies, which provides that “[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 . . . the district court . . . 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 in writing its reasons for the certification or finding.” Fed. R. App. P. 24(a)(3).

Because Plaintiff was previously afforded *in forma pauperis* status, he is not required to seek authorization of the Court before proceeding *in forma pauperis* on appeal. However, because Plaintiff filed a motion, the Court has considered it. Plaintiff has provided the Court with a financial affidavit indicating that although he is employed, his monthly expenses exceed his income. (Mtn. [#74].) Additionally, Plaintiff’s Notice of Appeal apprises the Court of the orders and issues he is seeking to appeal, specifically the Court’s three dispositive orders on Defendants’ motions to dismiss and motions for summary judgment. (Report & Rec. [#22], Order Adopting Report & Rec. [#27]; Report & Rec. [#35], Order Adopting Report & Rec. [#44]; Report & Rec. [#63], Order Adopting Report & Rec. [#72].)

The Court finds that Plaintiff does not have the financial means to pay the filing fee on appeal. Additionally, Plaintiff has informed the Court of the subject of his appeal. Finally, the Court finds that Plaintiff’s appeal is taken in good faith. The Court will therefore grant the motion.

**IT IS HEREBY ORDERED** that Plaintiff's Application to Proceed In Forma Pauperis on Appeal [#12] is **GRANTED**.

SIGNED this 18th day of November, 2022.



ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE