

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

SCOTT R. SHALLCROSS,

Petitioner,

v.

WILLIAM POLLARD,

Respondent.

Case No. 15-CV-1136-JPS

**ORDER**

On October 17, 2016, the Court dismissed Scott R. Shallcross' ("Shallcross") petition for a writ of habeas corpus. (Docket #31). The Court also denied him a certificate of appealability. *Id.* at 23-24. On December 16, 2016, Shallcross filed a notice of appeal, a request for leave to proceed *in forma pauperis*, and a request for a certificate of appealability. (Docket #35, #36, and #38). The Court has already denied Shallcross a certificate of appealability and nothing has happened since that ruling to change its analysis. It will, therefore, deny that request and move on to Shallcross' request to proceed *in forma pauperis*.

Shallcross may not proceed *in forma pauperis* on appeal unless the Court certifies in writing that the appeal is taken in "good faith." 28 U.S.C. § 1915(a)(3). To determine whether Shallcross takes the appeal in "good faith," the Court must determine whether "a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000); *see also Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). An appeal is taken in "good faith" when it seeks review of an issue that is not clearly frivolous. *Lee*, 209 F.3d at 1026.

Here, Shallcross does not actually present arguments in favor of granting him *in forma pauperis* status. Even assuming his request for a certificate of appealability can be construed as such, it presents arguments which are largely indistinguishable from those already rejected by the Court. (Docket #31 and #38). The Court must, therefore, deny Shallcross' motion to proceed *in forma pauperis* because his appeal is not taken in "good faith." 28 U.S.C. § 1915(a)(3).

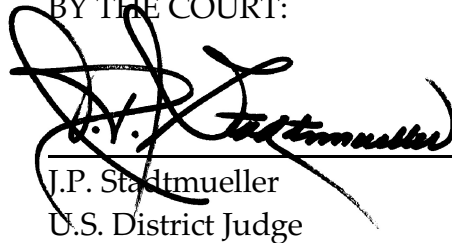
Accordingly,

**IT IS ORDERED** that the petitioner's motion for leave to appeal *in forma pauperis* (Docket #36) be and the same is hereby **DENIED**; and

**IT IS FURTHER ORDERED** that the petitioner's request for a certificate of appealability (Docket #38) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 20th day of December, 2016.

BY THE COURT:



J.P. Stadtmueller  
U.S. District Judge