

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL SCOTT,

Plaintiff,

v.

J. PERTTU,

Defendant.

ORDER

18-cv-68-bbc
App. No. 19-2578

On July 25, 2019, I entered an order granting defendant's motion for summary judgment and closing this case. Dkt. #49. Judgment was entered on that same day. Dkt. #50. Now plaintiff Michael Scott has filed a notice of appeal and requests leave to proceed in forma pauperis on appeal. Dkts. ##53 and 59. He also requests to have transcripts prepared free-of-cost by a court reporter. Dkt. #58.

Plaintiff's request for leave to proceed in forma pauperis on appeal is governed by the 1996 Prison Litigation Reform Act. Under 28 U.S.C. § 1915, a district court may deny a request for leave to proceed in forma pauperis for one or more of the following reasons: the litigant has not established indigence, the appeal is not taken in good faith, or the litigant is a prisoner and has three strikes under 28 U.S.C. § 1915(g) and has not shown that he is in imminent danger. 28 U.S.C. § 1915(a)(1),(3) and (g); Sperow v. Melvin, 153 F.3d 780, 781 (7th Cir. 1998). In this instance, I will deny plaintiff's request because he has three strikes under § 1915(g) and he has not shown that he is in imminent danger.

In addition, plaintiff's appeal is not taken in good faith. "Good faith" means that "a reasonable person could suppose that the appeal has some merit." Walker v. O'Brien, 216 F.3d 626, 632 (7th Cir. 2000). Plaintiff submitted no evidence at summary judgment showing that defendant J. Perttu, an inmate complaint examiner, was deliberately indifferent to his dental needs. Therefore, plaintiff cannot proceed on appeal without first paying the \$505 appellate filing fee. I will also deny plaintiff's request to have transcripts prepared by a court reporter at no cost.

ORDER

IT IS ORDERED that

1. Plaintiff Michael Scott's request for leave to proceed in forma pauperis on appeal, dkt. #59, is DENIED. Plaintiff has struck out under 28 U.S.C. § 1915(g), and his appeal is not taken in good faith.
2. Plaintiff's motion requesting free transcripts, dkt. #58, is DENIED.
3. The clerk of court is requested to insure that plaintiff's obligation to pay the \$505 is reflected in this court's financial records.

Entered this 25th day of September, 2019.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge