

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

DONALD TATUM,)	
)	
)	
vs.)	No. 1:13-cv-794-TWP-TAB
)	
SUPERINTENDENT,)	
)	
)	
)	
)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The petitioner’s request to proceed on appeal *in forma pauperis* may not be granted if the court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915; *see Coppedge v. United States*, 369 U.S. 438 (1962). Because there is no objectively reasonable argument the petitioner could present to argue that the disposition of this action was erroneous, he is pursuing an appeal because “to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit.” *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). Accordingly, his request for leave to proceed on appeal *in forma pauperis* [dkt 19] is **denied**.

2. The petitioner’s renewed request for the issuance of a certificate of appealability [dkt 20] is denied for the same reason explained in Part II of the Entry issued on August 14, 2014.

3. The petitioner's request for a certificate of appealability [dkt 20] shall be processed by the clerk as a notice of appeal from the Judgment entered on the docket on August 14, 2014.

IT IS SO ORDERED.

Date: 9/29/2014


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

DONALD TATUM
852317
Pendleton Correctional Facility
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