

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

| | | |
|-----------------|---------------|-------------------------------|
| MARQUIS SHIPP, |) | |
| |) | |
| |) Petitioner, | |
| vs. |) | Case No. 1:13-CV-1779-TWP-DKL |
| |) | |
| DUSHAN ZATECKY, |) | |
| |) | |
| |) Respondent. | |

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 renewed request for the issuance of a certificate of appealability [dkt 35] is denied for the reasons explained in the Entry of January 27, 2015.

2. The petitioner seeks leave to proceed on appeal without prepayment of the appellate fees of \$505.00. An appeal may not be taken *in forma pauperis* if the trial 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). "Good faith" within the meaning of § 1915 must be judged by an objective, not a subjective, standard. *See id.* There is no objectively reasonable argument the petitioner could present to argue that the disposition of this action was erroneous. In pursuing an appeal, therefore, the petitioner “is acting in bad faith . . . [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 appeal is not taken in good faith, and for this reason his request for leave to proceed on appeal *in forma pauperis* [dkt 34] is **denied**.

3. The petitioner's motion for information has also been considered. The petitioner seeks through such motion to learn the name of the court reporter who will fill out the transcript information request. There were no proceedings conducted in open court in this case thus there is no such record to prepare. The motion for information [dkt 36] is therefore denied.

IT IS SO ORDERED.

Date: 2/19/2015


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

Distribution:

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