

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

TRANELL NASH,)	
)	
Petitioner,)	
v.)	1:13-cv-1876-SEB-TAB
)	
DUSHAN ZATECKY,)	
)	
Respondent.)	

Entry Concerning Selected Matters

Pending before the Court are the petitioner’s motion to proceed on appeal *in forma pauperis* and motion for certificate of appealability. Both motions are denied for the reasons explained below.

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.* At this time, there is no objectively reasonable argument the petitioner could present to argue that the disposition of this motion 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. 30] is **denied**.

The petitioner’s motion for the issuance of a certificate of appealability [dkt 32] is **denied** for the same reasons as explained in the Entry issued February 6, 2015.

IT IS SO ORDERED.

03/06/2015

A handwritten signature in black ink that reads "Sarah Evans Barker". The signature is written in a cursive style and is positioned above a horizontal line.

SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Tranell Nash
No. 147576
PENDLETON CORRECTIONAL FACILITY
Inmate Mail/Parcels
4490 West Reformatory Road
PENDLETON, IN 46064

Electronically Registered Counsel