

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

GEORGE SISK,)	
)	
Petitioner,)	
v.)	No: 1:15-cv-01199-TWP-MJD
)	
SUPERINTENDENT, Indiana State Prison,)	
)	
Respondent.)	

Entry Concerning Selected Matters

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

1. A claim or argument is frivolous when it appears the factual allegations are clearly baseless or the legal theories are indisputably meritless. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). 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 his request for leave to proceed on appeal *in forma pauperis* [dkt 35] is **denied**.

2. The petitioner’s renewed motions for the issuance of a certificate of appealability [dkt 36 and 37] are **denied** for the reasons explained in Part IV of the Entry issued on March 22, 2016. The appropriateness of this ruling is reinforced when it is considered that (1) the Court’s decision was based on the expiration of the statute of limitations, (2) the merits of the habeas petition were not reached, and (3) the renewed motion for a certificate of appealability does not

mention the basis of the decision which is being appealed, but only the merits of the habeas petition.

IT IS SO ORDERED.

Date: 04/22/2016

A handwritten signature in black ink, reading "Tanya Walton Pratt", written over a horizontal line.

TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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