

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

LAWRENCE NUNLEY,)	
)	
Petitioner,)	
)	
v.)	No. 2:19-cv-00012-JRS-DLP
)	
RICHARD BROWN,)	
)	
Respondent.)	

Order Denying Motion to Proceed *In Forma Pauperis* on Appeal and Denying Motion for Certificate of Appealability

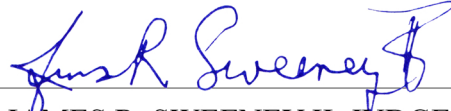
The Court denied petitioner Lawrence Nunley’s 28 U.S.C. § 2254 petition for a writ of habeas corpus, declined to issue a certificate of appealability, and entered final judgment on March 30, 2020. Dkts. 22 and 23. Mr. Nunley filed a notice of appeal on April 21, 2020. Dkt. 24.

Mr. Nunley seeks leave to proceed *in forma pauperis* on appeal. 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. “[T]o 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). As discussed in the Court’s order denying the petition, no objectively reasonable jurist could find merit in Mr. Nunley’s claims. Mr. Nunley’s motion for leave to proceed *in forma pauperis* on appeal, dkt. [25], is **denied**.

To the extent that Mr. Nunley’s motion for certificate of appealability is directed at the district court, that motion, dkt. [30], is **denied** for the same reasons the Court denied a certificate of appealability when it denied Mr. Nunley’s petition for habeas relief. Dkt. 22.

IT IS SO ORDERED.

Date: 4/23/2020



JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

Distribution:

LAWRENCE NUNLEY
198710
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Jesse R. Drum
INDIANA ATTORNEY GENERAL
jesse.drum@atg.in.gov