

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TITUS HENDERSON,

Plaintiff,

v.

ORDER

08-cv-390-bbc

RICK RAEMISCH, PETER HUIBREGTSE,  
MARK HEISE, KEVIN KALLAS, JOHN BETT,  
KATHRYN ANDERSON, HELEN KENNEBECK,  
TOM GOZINKI, WELCOME ROSE, JOHN & JANE  
DOES, MONICA HORNER, GARY BOUGHTON,  
DAVID GARDNER, VICKI SEBASTIAN, ROBERT  
HABLE, SARAH MASON, BRIAN KOOL, LESLIE  
ROWN, CAPT. JENNIFER GERL, CAPT. GILBERGE,  
SGT. ROBINSON, THOMAS TAYLOR, MATTHEW  
SCULLION, DANA ESSER, SGT. COOK, CAPT. SHARPE,  
CO II WETTER, CO CAYA, JOANI SHANNON-SHARPE,  
DR. RUBIN-ASCH, DR. STACEY HOEM, TRISHA  
LANSING, SGT. KUSSMAUL, SGT. STOHELSON,  
CO HULCE, J. HUIBREGTSE, DANIEL LEFFLER,  
TRACEY GERBER and SGT. SICKINGER,

Defendants.  
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On December 7, 2011, I dismissed plaintiff Titus Henderson's lawsuit for his failure to prosecute it. Plaintiff filed a notice of appeal on January 6, 2012. Plaintiff has not paid the \$455 filing fee for filing an appeal, and has filed a request to proceed in forma pauperis on appeal.

A district court has authority to deny a request for leave to proceed in forma pauperis

under 28 U.S.C. § 1915 for one or more of the following reasons: the litigant wishing to take an appeal has not established indigence, the appeal is taken in bad faith or the litigant is a prisoner and has three strikes. § 1915(a)(1),(3) and (g). Sperow v. Melvin, 153 F.3d 780, 781 (7th Cir. 1998). Plaintiff's request for leave to proceed in forma pauperis on appeal will be denied, because I am certifying that his appeal is not taken in good faith.

Plaintiff appears to want to challenge on appeal my determination that because his complaint violates Rule 20, he cannot proceed on all of his claims in one lawsuit. However, he does not suggest how the decision is erroneous. In particular, he does not argue that I misunderstood his claims or misidentified the defendants relating to those claims. He appears simply to want to press his position on appeal that he should be allowed to pursue unrelated claims against unrelated defendants in a single lawsuit. Because the law in this circuit is settled on this point, I cannot find that plaintiff's appeal is taken in good faith.

Because I am certifying plaintiff's appeal as not having been taken in good faith, he cannot proceed with his appeal without prepaying the \$455 filing fee unless the court of appeals gives him permission to do so. Under Fed. R. App. P. 24, plaintiff has 30 days from the date of this order in which to ask the court of appeals to review this court's denial of leave to proceed in forma pauperis on appeal. With his motion, he must include an affidavit as described in the first paragraph of Fed. R. App. P. 24(a), with a statement of issues he intends to argue on appeal. Also, he must send along a copy of this order. Plaintiff should be aware that he must file these documents in addition to the notice of appeal he has filed previously.

ORDER

IT IS ORDERED that plaintiff Titus Henderson's request for leave to proceed in forma pauperis on appeal, dkt. #52, is DENIED. I certify that his appeal is not taken in good faith. The clerk of court is directed to insure that plaintiff's obligation to pay the \$455 fee for filing his appeal is reflected in the court's financial records.

Entered this 13th day of January, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge