

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

LYNETTE M. MOORE for JOHNATHAN
MOORE,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner
or Social Security,

Defendant.

ORDER

02-C-401-C

Lynette M. Moore, proceeding on behalf of her son Johnathan Moore, seeks to appeal this court's judgment affirming the Commissioner of Social Security's decision finding Johnathan not disabled as of December 1, 1997. Because she has not paid the \$150 filing fee, I construe her filing as a request for leave to proceed in forma pauperis on appeal. She also requests the appointment of counsel on behalf of her son.

Because plaintiff seeks leave to proceed in forma pauperis on appeal, this court must determine whether he is taking his appeal in good faith. See 28 U.S.C. § 1915(a)(3). To find that an appeal is in good faith, a court need only find that a reasonable person could suppose the appeal has some merit. Walker v. O'Brien, 216 F.3d 626, 631-32 (7th Cir. 2000). Although I am doubtful that the court of appeals will decide this case in favor of plaintiff, I nonetheless conclude that a reasonable person could find some merit to plaintiff's

claim that the administrative law judge's determination that he was not disabled as of December 1, 1997, was not supported by substantial evidence.

Accordingly, plaintiff's request for leave to proceed in forma pauperis on appeal is GRANTED. Lynette Moore must present her request for the appointment of counsel to the court of appeals.

Dated this 3rd day of July, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge