

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

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KERI A. BURR,

Petitioner,

v.

RICHARD L. HUFF, F.B.I.,

Respondent.  
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ORDER

04-C-53-C

Petitioner Keri Burr has filed a document dated February 12, 2004, which I construe as a notice of appeal from the judgment entered in this case on February 9, 2004. Petitioner's action was dismissed for lack of jurisdiction because petitioner's complaint is so implausible or otherwise completely devoid of merit as to not involve a federal controversy. Because she has not paid the \$255 fee for filing a notice of appeal, I construe the notice as including a request for leave to proceed in forma pauperis on appeal.

Petitioner'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. In Lucien v. Roegner, 682 F.2d 625, 626 (7th Cir. 1982), the court of appeals instructed district courts to find bad faith where a petitioner is appealing the same claims the court found to be without legal

merit in denying petitioner leave to proceed on his complaint. See also Lee v. Clinton, 209 F.3d 1025 (7th Cir. 2000). Petitioner is trying to appeal the same claims I have found to lack legal merit. Because there is no legally meritorious basis for petitioner's appeal, I must certify that the appeal is not taken in good faith.

ORDER

IT IS ORDERED that petitioner's request for leave to proceed in forma pauperis on appeal is DENIED. I certify that her appeal is not taken in good faith.

Entered this 20th day of February, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge