

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

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JONATHON H. BEDFORD,

Plaintiff,

v.

NEIGHBORHOOD CONNECTIONS,

Defendant.

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ORDER

04-C-0978-C

Plaintiff has filed a notice of appeal from my June 6, 2005 order, dismissing his claims of discrimination other than those based on race and sex and requiring him to pay defendant \$350.00 for costs defendant reasonably incurred in challenging the authenticity of the copy of plaintiff's July 25, 2003 complaint filed with the Equal Rights Division that plaintiff attached to his complaint in this court. In the June 6 order, I told plaintiff that if he failed to pay the \$350 costs by July 8, 2005, I would dismiss his case for his failure to comply with the June 6 order.

Because plaintiff has made it clear through his filing of a notice of appeal that he has no intention of complying with the June 6 order by paying the \$350 costs imposed upon him, I will dismiss this case now and enter a judgment of dismissal without prejudice to

plaintiff's refiling his case after he has paid the costs imposed in this case. In addition, I will construe plaintiff's notice of appeal to be a notice of appeal from the dismissal of his case.

Plaintiff has not paid the \$255 fee for filing a notice of appeal. Therefore, I construe his notice to include a request for leave to proceed in forma pauperis on appeal. Because plaintiff was allowed to proceed in forma pauperis in the district court action, he may proceed in forma pauperis on appeal unless the court determines that his appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3). To conclude that an appeal is taken in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit. Lee v. Clinton, 209 F.3d 1025, 1026 (7th Cir. 2000).

Following an evidentiary hearing in this case, I found that plaintiff had committed a fraud upon this court when he attached to his complaint an altered copy of his complaint to the Equal Rights Division that suggested he had raised claims of discrimination based on disability, creed and honesty testing as well as firing based on defendant's alleged belief that plaintiff was going to file a labor standard complaint when, in fact, plaintiff's complaint to the ERD raised only two claims of discrimination, one based on race and one based on sex. I found also that plaintiff's submission of an inaccurate copy of his complaint caused defendant to incur expenses in bringing the fraudulent filing to the attention of the court that a small, uninsured non-profit agency could ill afford and that plaintiff should be required to pay those costs or forfeit his right to continue with this lawsuit. Although I am

convinced that the imposition of a moderate financial sanction on plaintiff was fully justified, the imposition of a sanction is a discretionary matter. I cannot say that no reasonable person could disagree with the decision or find legal merit to plaintiff's appeal.

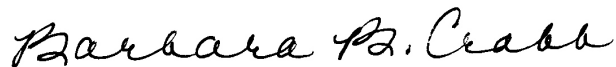
ORDER

IT IS ORDERED that this case is DISMISSED on the court's own motion for plaintiff's failure to pay costs imposed upon him in this court's order of June 6, 2005. The clerk of court is directed to enter a judgment of dismissal.

Further, I am not certifying that plaintiff's appeal is not taken in good faith. Therefore, he may proceed in forma pauperis on appeal from the judgment of dismissal.

Entered this 1st day of July, 2005.

BY THE COURT:



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BARBARA B. CRABB  
District Judge