

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

MICHAEL HILL,

ORDER

Petitioner,

05-C-525-C

v.

STEVEN HOBART, Warden,

Respondent.

On October 28, 2005, I dismissed this petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2241 for petitioner's failure to show that he had been deprived of his constitutional right to due process at a disciplinary proceeding that resulted in his loss of good time credits. Now petitioner has filed a notice of appeal and requests leave to proceed in forma pauperis on appeal. The request will be denied because I must certify that petitioner's appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3).

Petitioner does not assert that this court erred in interpreting the allegations of his petition or in applying the law relevant to his claim. Rather, it appears that he wishes only

to press the same legally meritless arguments in the court of appeals that he advanced in this court. Although I understand petitioner's frustration at having been denied a polygraph test, fingerprinting, an FBI investigation and a non-existent videotape to help him disprove the disciplinary charges against him, there is simply no legal requirement that these potential avenues of exoneration be afforded prisoners in connection with disciplinary proceedings in order to satisfy due process. Because petitioner wishes to raise on appeal the same legally meritless claim he raised in this court, I will deny his request for leave to proceed in forma pauperis on appeal and certify that his appeal is not taken in good faith.

Petitioner should be aware that if he intends to challenge this court's certification that his appeal is not taken in good faith, he has 30 days from the date he receives this order in which to file with the court of appeals a motion for leave to proceed in forma pauperis on appeal. His motion must be accompanied by a copy of the affidavit prescribed in the first paragraph of Fed. R. App. P. 24(a) and a copy of this order.

ORDER

IT IS ORDERED that petitioner's request for leave to proceed in forma pauperis on

appeal is DENIED and I certify that petitioner's appeal is not taken in good faith.

Entered this 17th day of November, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge