

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

JONATHAN H. BEDFORD,

Petitioner,

v.

ORDER

BOARDMAN LAW FIRM, ROBERT E.
GREGG and CATHERINE CETRANGOLO,

06-C-453-S

Respondents.

On August 31, 2006 judgment was entered in the above entitled matter denying and dismissing without prejudice petitioner's request to proceed in forma pauperis. On September 29, 2006 plaintiff filed a notice of appeal in the United States Court of Appeals for the Seventh Circuit which has been forwarded to this Court. The Court construes it as a request to proceed in forma pauperis on appeal.

____ In Newlin v. Helman, 123 F.3d 429, 433 (7th Cir. 1997) the United States Court of Appeals discussed the determination of whether an appeal is taken in bad faith as follows:

Frivolousness is an objective inquiry; "good faith" implies a subjective standard. But judges lack access to the plaintiff's mental processes. Thoughts must be inferred from acts. A plaintiff who has been told that the claim is foreclosed and then files a notice of appeal without offering any argument to undermine the district court's conclusion is acting in bad faith.

On August 30, 2006 petitioner was advised that in any future proceedings he must offer argument not cumulative of that already provided to undermine this Court's conclusion that his claims must be dismissed. Petitioner has not provided such argument. Accordingly, petitioner's request to proceed in forma pauperis on appeal is not taken in good faith and will be denied.

ORDER

IT IS ORDERED that petitioner's request to proceed in forma pauperis on appeal is DENIED.

Entered this 16th day of October, 2006.

BY THE COURT:

____s/_____
JOHN C. SHABAZ
District Judge