

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

ANDREW TORSTENSON,

Petitioner,

ORDER

v.

06-C-0720-C

STATE OF WISCONSIN DEPARTMENT
OF CORRECTIONS, DIVISION OF
COMMUNITY CORRECTIONS,

Respondent.

Petitioner Andrew Torstenson has filed an application for leave to proceed *in forma pauperis* on appeal from this court's orders dismissing his habeas petition and denying petitioner's motions for reconsideration. From petitioner's affidavit, I find that he is unable to prepay the appellate filing fee. However, I am denying petitioner's request to proceed without prepayment of the appellate filing fee because I find that his appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3). Having re-read petitioner's submissions and this court's orders, I am convinced that no reasonable person could suppose petitioner's appeal has any merit. Walker v. O'Brien, 216 F.3d 626, 631-32 (7th Cir. 2000). As explained in this court's previous orders, the various reasons offered by petitioner why he did not file a certiorari petition in state court challenging the department's revocation of his parole fall far

short of establishing that an external circumstance beyond his control caused his procedural default.

ORDER

Petitioner's request for leave to proceed in forma pauperis is DENIED because I certify that his appeal is not taken in good faith. If petitioner wishes to appeal this decision, he must follow the procedure set out in Fed. R. App. P. 24(a)(5).

Entered this 9th day of April, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge