

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

GARY DEWILLIAMS,

Petitioner,

v.

ORDER

STEPHEN R. HOBART,

06-C-44-S

Respondent.

On April 11, 2006 judgment was entered in the above entitled matter dismissing petitioner's petition for a writ of habeas corpus with prejudice. Petitioner's motion to alter or amend judgment was denied on April 27, 2006. On May 5, 2006 petitioner filed a notice of appeal which the Court construes 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.

Petitioner was advised on April 10, 2006 that in any future proceedings he must offer argument to undermine this Court's

conclusion that his petition must be dismissed. Petitioner does not present any reasons or argument to undermine the Court's conclusion that his petition should be dismissed for lack of jurisdiction. Accordingly, his request to proceed in forma pauperis on appeal will be denied.

ORDER

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

Entered this 10th day of May, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge