

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TAMIKA PLEDGER,)	
)	
Petitioner,)	
)	
v.)	Case No. 20-3168-JWL
)	
GLORIA GEITHER, Warden,)	
Topeka Correctional Facility,)	
)	
Respondent.)	
)	
)	
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MEMORANDUM AND ORDER

By Memorandum and Order of November 12, 2021, the Court denied Tamika Pledger’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In that order, the Court also denied a certificate of appealability in this case because it was clear that petitioner was not entitled to relief. *See* 28 U.S.C. § 2253(c)(2) (“A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.”); *Saiz v. Ortiz*, 392 F.3d 1166, 1171 n.3 (10th Cir. 2004) (petitioner must demonstrate that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong”) (quoting *Tennard v. Dretke*, 542 U.S. 274, 282 (2004)). Petitioner nonetheless filed a subsequent motion for a certificate of appealability, which the Court denied.

Petitioner has now filed an application to proceed on appeal *in forma pauperis*, without payment of appellate fees (Doc. # 41). The Court **denies** the motion.

Fed. R. App. P. 24(a) provides that a party who wishes to appeal *in forma pauperis* must file a motion for such relief in the district court. *See id.* 28 U.S.C. § 1915(a)(3), however, provides that “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” *See id.* Good faith in this context is demonstrated when the defendant “seeks appellate review of any issue not frivolous,” under an objective standard. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962); *see also McIntosh v. U.S. Parole Comm’n*, 115 F.3d 809, 812 (10th Cir. 1997) (*in forma pauperis* request on appeal requires demonstration of “the existence of a reasoned, non-frivolous argument on the law and facts in support of the issue raised on appeal”) (internal quotation omitted).

In her present application, petitioner lists her issues for appeal in summary fashion, but she has not offered any reasonable argument that the Court erred with respect to any issue in denying her petition. In denying a certificate of appealability, the Court has already ruled twice that reasonable jurists would not find its assessment debatable. Accordingly, because petitioner has not identified a non-frivolous basis for appeal, the Court certifies that her appeal is not taken in good faith, and petitioner’s application must therefore be denied.¹

¹ In addition, the credibility of her application (made under penalty of perjury) is in question, considering her statements that she presently has no cash, no bank accounts, and no rent or household expenses (despite having two minor dependent children).

IT IS SO ORDERED.

Dated this 9th day of February, 2022 in Kansas City, Kansas.

s/ John W. Lungstrum

John W. Lungstrum

United States District Judge