

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

GLENN LEE SELDEN,

Petitioner,

v.

Case No.: 2:19-cv-37-FtM-38MRM

ELIZABETH M. WARREN,

Respondent.

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is Petitioner Glenn Lee Seldon's Motion for Leave to Appeal *In Forma Pauperis* ([Doc. 19](#)) filed on March 29, 2019. No response has been filed. For the following reasons, the Motion to Appeal *In Forma Pauperis* is granted.

[Federal Rule of Appellate Procedure 24\(a\)\(1\)](#) provides that a party to a district-court action who desires to appeal *in forma pauperis* must file a motion in the district court. The motion must attach an affidavit showing the party's inability to pay and state the issues that will be presented on appeal. *Id.* Petitioner has demonstrated an inability to pay the appellate filing fee ([Doc. 4](#)). However, an appeal may not be taken *in forma pauperis* if the court determines that it is not taken in good faith. [28 U.S.C. § 1915\(a\)](#) (3). "[T]o determine that an appeal is in good faith, a court need only find that a reasonable

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person could suppose that the appeal has some merit.” *Walker v. O’Brien*, 216 F.3d 626, 631 (7th Cir. 2000).

On January 25, 2019, Petitioner’s Petition was dismissed as successive. ([Doc. 5](#)). The Court provided Plaintiff with the proper forms to seek review from the Eleventh Circuit Court of Appeals to determine if he is eligible to file a successive appeal. No certificate of appealability (COA) was issued because a COA is not required for an appeal of an order dismissing a petitioner’s filing as a successive habeas petition. 28 U.S.C. § 2253(c); *Hubbard v. Campbell*, 379 F. 3d 1245, 1247 (11<sup>th</sup> Cir. 2004). The appeal is considered taken in good faith.

Accordingly, it is now

**ORDERED:**

Petitioner Glenn Lee Seldon’s Motion for Leave to Appeal *In Forma Pauperis* ([Doc. 19](#)) is **GRANTED**.

**DONE** and **ORDERED** in Fort Myers, Florida this 16th day of April, 2019.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

SA: FTMP-2

Copies:  
All Parties of Record