

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

BRANTLEY SEYMORE,

Petitioner,

v.

Case Nos.: 2:23-cv-469-SPC-NPM  
2:20-cr-111-SPC-NPM

UNITED STATES,

Respondent.

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**ORDER**

Before the Court is pro se Petitioner Brantley Seymore's application to proceed in forma pauperis on appeal. (Doc. 21). Last month, the Court denied his Motion Under 28 U.S.C. § 2255. (Doc. 17). In doing so, the Court found that Seymore did not make the requisite showing for a certificate of appealability. (Doc. 21 at 17 (citing 28 U.S.C. § 2253(c)(1))). Still, Seymore again asks the Court to proceed on his appeal without having to pay the fees.

Federal Rule of Appellate Procedure 24 governs a request to proceed in forma pauperis on appeal:

A party who was permitted to proceed in forma pauperis in the district-court action, . . . may proceed on appeal in forma pauperis without further authorization, unless: (A) the district court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith . . . and states in writing its reasons for the certification[.]


Fed. R. App. P. 24(a)(3)(A). Having again reviewed the record, the Court continues to deny issuing a certificate of appealability because reasonable jurists would not find its assessment of Seymore's claims debatable or wrong. *See Tennard v. Dretke*, 542 U.S. 274, 282 (2004). Nor has Seymore shown that the issues he raised were adequate to move forward. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

Accordingly, it is

**ORDERED:**

Petitioner Brantley Seymore's application to proceed in forma pauperis on appeal (Doc. 21) is **DENIED**.

**DONE and ORDER** in Fort Myers, Florida on February 2, 2024.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: Counsel of record