

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

DANIEL A. FRISHBERG,

Plaintiff,

v.

Case No. 8:24-cv-22-TPB-NHA

UNIVERSITY OF SOUTH FLORIDA
BOARD OF TRUSTEES, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION
TO PROCEED ON APPEAL WITHOUT COSTS**

This matter is before the Court on Plaintiff Daniel A. Frishberg's *pro se* motion to proceed on appeal without costs, filed on April 21, 2024. (Doc. 31).

Under certain circumstances, a party may proceed *in forma pauperis* in federal court pursuant to 28 U.S.C. § 1915, which authorizes any court of the United States to allow indigent persons to prosecute, defend, or appeal suits without prepayment of costs. *See, e.g.*, 28 U.S.C. § 1915; *Coppedge v. United States*, 369 U.S. 438, 441 (1962). However, a party may not proceed on appeal *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3). Good faith requires that the appeal present a nonfrivolous question for review. *Cruz v. Hauck*, 404 U.S. 59, 62 (1971). If the plaintiff has little or no chance of success, an appeal is frivolous. *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993). An appeal is also frivolous when it is “without arguable merit either in law or fact.” *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

Plaintiff's motion to appeal without costs fails to establish the existence of a reasoned, nonfrivolous argument raised on appeal. In fact, the motion does not present *any* issues that Plaintiff intends to present on appeal as required by Fed. R. App. P. 24(a)(1)(C). He simply asks the Court to permit him to appeal without costs because it permitted him to litigate his underlying case without costs.¹

To the extent that Plaintiff seeks "clarification" as to how to proceed with his appeal, the Court declines to give him legal advice.

The motion to proceed without costs on appeal (Doc. 31) is therefore **DENIED**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 23rd of April, 2024.



TOM BARBER
UNITED STATES DISTRICT JUDGE

¹ In addition, Plaintiff has failed to submit any financial information that would establish he qualifies to proceed without the prepayment of costs at this time.