

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

YOLANDA BROWN THOMAS, :
 :
 Petitioner, :
 : NO. 4:20-CR-32-CDL-CHW
 v. : NO. 4:24-CV-146-CDL-CHW
 :
 UNITED STATES OF AMERICA, :
 :
 Respondent. :
 _____ :

ORDER

Petitioner Yolanda Brown Thomas, Defendant in this criminal action, filed a motion for a certificate of appealability and motion to proceed *in forma pauperis* on appeal (ECF No. 373) from the Court's May 19, 2025, Order (ECF No. 368) denying Petitioner's motion to vacate pursuant to 28 U.S.C. § 2255.

Under 28 U.S.C. § 1915(a)(3), "[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." Federal Rule of Appellate Procedure 24(a)(3) also provides that:

[a] party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis . . . unless . . . the district court . . . certifies that the appeal is not taken in good faith[.]

"Good faith" means that an issue exists on appeal that is not frivolous under an objective standard. See *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

In the Court's best judgment, an appeal from the Court's May 19, 2025, Order cannot be taken in good faith. The Court conducted a *de novo* review of the Magistrate Judge's April 10, 2025, Report and Recommendation (ECF No. 365), thoroughly considered Petitioner's objections, and found the objections meritless. Order, May 19, 2025, ECF No. 368. As explained in the Report and Recommendation, Petitioner did not establish she received ineffective assistance of counsel. R. & R. 12-23, ECF No. 365. Moreover, in adopting the Report and Recommendation, the Court declined to grant Petitioner a certificate of appealability. Order, May 19, 2025. The Court finds that no issues exist in this appeal that are not frivolous and no reasonable jurists could disagree. Therefore, Petitioner's appeal is not taken in good faith, and Petitioner's motion for leave to proceed *in forma pauperis* on appeal (ECF No. 368) is **DENIED**.¹

If Petitioner wishes to proceed with his appeal, she must pay the entire \$605.00 appellate filing fee. Any further requests to proceed *in forma pauperis* on appeal should be directed, on motion, to the United States Court of Appeals for the Eleventh Circuit, in accordance with Rule 24 of the Federal Rules of Appellate Procedure.

¹ As noted, the Court previously denied Petitioner's motion for a certificate of appealability. Order, May 19, 2025. Therefore, Petitioner's request for a certificate of appealability is **DENIED AS MOOT**.

SO ORDERED this 11th day of June, 2025.

S/Clay D. Land
CLAY D. LAND
U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA