

ENTERED ON DOCKET
JUL 08 2005

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
)
HAROLD J. FARRIS) CASE NO. 95-77431-MHM
)
Debtor)

ORDER

Debtor has filed a notice of appeal of this court's order entered October 27, 2004 (the "Order"). The Order denied Debtor's motions regarding final orders previously entered, appealed and affirmed by the U.S. District Court and the Eleventh Circuit Court of Appeals. Applying the law of the case doctrine, the Order concluded that no extraordinary circumstances were present to justify reconsideration of the prior orders and that the issues raised in Debtor's motions had been previously heard, determined, appealed and affirmed.

Debtor has filed a request to proceed with his appeal of the Order *in forma pauperis*. Debtor has presented an affidavit showing he lacks funds to pay the \$105 filing fee for the Notice of Appeal and the other costs associated with the appeal. Proceeding with an appeal *in forma pauperis*, however, is a privilege, not a right, and that privilege is statutorily based. 28 U.S.C. §1915. A threshold issue for granting the privilege to proceeding *in forma pauperis* is that the appeal must have substantial merit. *Kinney v. Plymouth Rock Squab Co.*, 236 U.S. 43, 35 S. Ct. 236, 59 L. Ed. 457 (1915); *Hullom v. Burrows*, 266 F.2d 547 (6th Cir. 1959).

As Debtor himself stated in his request to proceed *in forma pauperis*, he has filed an appeal of "each and every order filed in the case." His appeal of the Order was filed without

regard to merits of the appeal or to the previous rulings of the court on the issues he raises. Debtor's appeal lacks merit. His refusal to accept prior rulings and his unsupported factual allegations may be the result of *pro se* status and his lack of understanding of the legal principles involved. Nevertheless, a party's *pro se* status does not excuse compliance with the law or rules of procedure nor entitle him to prosecute a frivolous appeal at taxpayer's expense. *See In re Simmons*, 256 B.R. 578 (D. Md. 2001). Accordingly, it is hereby

ORDERED that Debtor's request to proceed with his appeal of the order entered October 27, 2004 *in forma pauperis* is denied.

IT IS SO ORDERED, this the 6th day of June, 2005.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE