

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Ervin Joiner v. Houston County Sheriff's Department

Civil Action No. 5:25-cv-00145-TES · No. 5:25-cv-00145-TES · Decided January 27, 2026

SUMMARY

The court denied Ervin Joiner’s motion to proceed in forma pauperis on appeal as moot. The court concluded that Joiner’s notice of appeal did not identify the issues for appeal as required by Federal Rule of Appellate Procedure 24(a), and that he could not appeal without a certificate of appealability, which the court had previously denied.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Tilman E. Self, III
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	January 27, 2026
DOCKET	5:25-cv-00145-TES
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to appeal in forma pauperis and filed a notice of appeal after the court dismissed his 28 U.S.C. § 2254 claims and denied a certificate of appealability.
PRECEDENTIAL VALUE	Unknown
PARTIES	Ervin Joiner v. Houston County Sheriff's Department

TOPICS

- appellate procedure
- federal habeas corpus
- mootness

PRACTICE AREAS

- federal habeas corpus
- appellate procedure
- in forma pauperis appeals

QUESTIONS PRESENTED

1. Whether Plaintiff's motion for leave to proceed in forma pauperis should be granted when his notice of appeal failed to identify the issues to be presented as required by Federal Rule of Appellate Procedure 24(a).
2. Whether Plaintiff could pursue an appeal without a certificate of appealability after the court denied him one.

HOLDINGS

1. A notice of appeal supporting an application to proceed in forma pauperis must identify the issues the appellant intends to present on appeal; Plaintiff's notice did not satisfy that requirement.
2. A petitioner may not appeal the dismissal of a § 2254 petition without a certificate of appealability.

KEY QUOTATIONS

“Petitioner cannot appeal without a certificate of appealability so his Motion for Leave to Proceed In Forma Pauperis . . . is moot.”

FACTUAL BACKGROUND

The court had previously dismissed Ervin Joiner's claims under 28 U.S.C. § 2254 and denied him a certificate of appealability. Joiner subsequently filed a notice of appeal that summarized the case and state-court proceedings but did not identify the issues he intended to present on appeal. He also sought leave to proceed in forma pauperis.

PROCEDURAL HISTORY

On November 25, 2025, the court dismissed Plaintiff's § 2254 claims and denied a certificate of appealability. Plaintiff thereafter filed a notice of appeal and a motion for leave to proceed in forma pauperis. The court denied the IFP motion as moot because the notice of appeal failed to identify the issues for appeal as required by Federal Rule of Appellate Procedure 24(a), and Plaintiff could not appeal without a certificate of appealability.

DISPOSITION

other

CASES CITED

- Cobble v. Sellers, No. 5:14-cv-313-MTT, 2014 WL 5364028, at *1 (M.D. Ga. Oct. 21, 2014)