

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Dodiyi Williamwest v. Sherry Richardson, et al.

Williamwest · No. No. 21-800 · Decided December 10, 2025

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Dodiyi Williamwest’s motion for leave to appeal in forma pauperis. The court held that although the motion indicated financial hardship, the proposed appellate issue was conclusory and lacked an arguable basis in law or fact, making the appeal frivolous and not taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Sarah S. Vance
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	December 10, 2025
DOCKET	No. 21-800
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought leave to appeal in forma pauperis from an order denying his motion to consolidate unrelated cases and to annul prior orders and judgments. The district court denied leave because the proposed appeal was frivolous and not taken in good faith.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a)(4)(B), the court determines whether the appeal is taken in good faith. Good faith exists when the appeal presents a nonfrivolous issue with an arguable basis in law or fact; probable success is not required.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated
PARTIES	Dodiyi Williamwest v. Sherry Richardson, et al.

TOPICS

- appellate procedure
- civil procedure
- standard of review

PRACTICE AREAS

Civil procedure

Appellate procedure

In forma pauperis appeals

QUESTIONS PRESENTED

1. Whether Williamwest satisfied the requirements for leave to appeal in forma pauperis.
2. Whether the proposed appeal was taken in good faith because it presented a nonfrivolous issue with an arguable basis in law or fact.

HOLDINGS

1. A party seeking to appeal in forma pauperis must show inability to pay, identify the issues intended for appeal, and demonstrate that the appeal is taken in good faith.
2. Williamwest's appeal was not taken in good faith because his proposed argument was conclusory and lacked an arguable basis in law or fact.

KEY QUOTATIONS

“Good faith is demonstrated when a party seeks appellate review of any issue ‘not frivolous.’”

“Good faith “does not require that probable success be shown,” but rather “is limited to whether the appeal involves legal points arguable on their merits (and therefore not frivolous).””

“The Court finds that Williamwest has failed to identify a nonfrivolous issue for appeal, and that his appeal is not in good faith.”

FACTUAL BACKGROUND

Williamwest identified his proposed appellate issue as whether the district court's orders and judgments were contrary to law and evidence, with a broad question concerning jurisdiction. His motion suggested that appellate costs would cause financial hardship, but it did not identify a specific legal or factual defect in the challenged order or judgment. The district court found the proposed appeal conclusory and frivolous.

PROCEDURAL HISTORY

The district court previously entered judgment against Williamwest. After the Fifth Circuit affirmed most of the judgment and remanded or otherwise required action concerning two defendants, the district court vacated the entry of default against those defendants and dismissed the claims against them without prejudice for improper service. Williamwest later moved to consolidate unrelated cases and annul orders entered by the district court and the Fifth Circuit; the district court denied that motion, and Williamwest filed a notice of appeal. He then moved for leave to proceed in forma pauperis on that appeal, which the court denied.

DISPOSITION

other

CASES CITED

- Prows v. Kastner, 842 F.2d 138, 140 (5th Cir. 1988)
- Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983)
- Coppedge v. United States, 369 U.S. 438, 445 (1962)
- United States v. Arroyo-Jurado, 477 F. App'x 150, 151 (5th Cir. 2012)
- Kingery v. Hale, 73 F. App'x 755, 755 (5th Cir. 2003)
- Chalmers v. Ridge, 100 F. App'x 961, 963 (5th Cir. 2004)
- Spearman v. Collins, 500 F. App'x 742, 744 (10th Cir. 2012)

OPINION

Williamwest

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

DODIYI WILLIAMWEST CIVIL ACTION

VERSUS NO. 21-800

SHERRY RICHARDSON, ET AL. SECTION “R” (3)

ORDER AND REASONS

On April 5, 2023, the Court issued judgment against pro se plaintiff Dodiyl Williamwest.¹ Williamwest then filed a notice of appeal and a motion to proceed in forma pauperis on appeal with the Fifth Circuit.² This Court found that Williamwest’s appeal was not taken in good faith and denied the motion. Williamwest appealed the in forma pauperis decision and the judgment to the Fifth Circuit, and the Fifth Circuit affirmed this Court except as to the dismissal of two defendants because the Court did not explicitly set aside the Clerk’s entry of default.³ This Court then vacated the entry of default against the two remaining defendants and dismissed the claims against them without prejudice for improper service.⁴ 1 R. Doc. 135. 2 R. Doc. 144; Williamwest v. Richardson, 5th Cir. No. 23-30264, R. Doc. 77-2. 3 R. Doc. 113-2, at 3. 4 R. Doc. 160. Subsequently, Williamwest moved to consolidate various unrelated federal and state criminal and civil cases, and to annul the orders entered by this Court and the Fifth Circuit.⁵ This Court denied that motion.⁶ Williamwest then filed a notice of appeal as to that order.⁷ Williamwest now seeks leave to appeal in forma pauperis. A claimant may proceed with an appeal in forma pauperis if he meets three requirements. First, the claimant must submit “an affidavit that includes a statement . . . that [he] is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). Based on this information, the district court must determine whether the costs of appeal would cause an undue financial hardship. See Prows v. Kastner, 842 F.2d 138, 140 (5th Cir. 1998). Second, the claimant’s affidavit must “state[] the issues that the party intends to present on appeal.” Fed. R. App. P. 24(a)(1)(C); accord 28 U.S.C. § 1915(a)(1) (“Such affidavit shall state the nature of the . . . appeal and affiant’s belief that the person is entitled to redress.”). Third, the claimant’s appeal must

be “taken in good faith.” 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(4)(B). “Good faith is demonstrated when a party seeks appellate 5 R. Doc. 157. 6 R. Doc. 160. Williamwest then moved for a “full and complete written opinion,” R. Doc. 169, which this Court denied. R. Doc. 170. 7 R. Doc. 168. review of any issue ‘not frivolous.’” Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983) (citing Coppedge v. United States, 369 U.S. 438, 445 (1962)). Good faith “does not require that probable success be shown,” but rather “is limited to whether the appeal involves legal points arguable on their merits (and therefore not frivolous).” United States v. Arroyo-Jurado, 477 F. App’x 150, 151 (5th Cir. 2012). “A complaint is frivolous if it lacks an arguable basis either in law or in fact.” Kingery v. Hale, 73 F. App’x 755, 755 (5th Cir. 2003). While Williamwest’s motion8 suggests that the costs of appeal would cause him financial hardship, his motion must nonetheless be denied because the argument that he intends to raise on appeal does not have an arguable basis either in law or in fact and is therefore frivolous. Plaintiff states that his issue on appeal is that “the orders and judgments are contrary to the law and evidence, with a big question as to jurisdiction.”9 Williamwest’s claim is conclusory and fails to identify any defect rendering the judgment contrary to the law and evidence. See Chalmers v. Ridge, 100 F. App’x 961, 963 (5th Cir. 2004) (affirming district court’s finding that appeal was not taken in good faith and noting “[a]lthough we apply less stringent standards to parties proceeding pro se[,] . . . pro se 8 R. Doc. 174. 9 R. Doc. 168. parties must still brief the issues and reasonably comply with the requirements of Fed. R. [App.] P. 28”); see also Spearman v. Collins, 500 F. App’x 742, 744 (10th Cir. 2012) (finding appeal was not taken in good faith when the appellant “ma[de] only conclusory, vague and unsubstantiated” assignments of error). The Court finds that Williamwest has failed to identify a nonfrivolous issue for appeal, and that his appeal is not in good faith. Accordingly, Williamwest’s motion for leave to appeal in forma pauperis is DENIED. New Orleans, Louisiana, this 10th day of December, 2025. derak Varver_

SARAH S. VANCE

UNITED STATES DISTRICT JUDGE