

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
TENNESSEE, EASTERN DIVISION

William Scott Howard, Sr. v. Tennessee Department of Mental Health

Howard · No. No. 26-1100-STA-jay · Decided June 16, 2026

SUMMARY

The United States District Court for the Western District of Tennessee adopts the magistrate judge’s recommendation and dismisses William Scott Howard, Sr.’s complaint as frivolous under 28 U.S.C. § 1915(e)(2). The court certifies that any appeal would not be taken in good faith and denies leave to proceed in forma pauperis on appeal.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Tennessee, Eastern Division                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | S. Thomas Anderson                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | United States District Court for the Western District of Tennessee, Eastern Division                                                                                                                                                                                                                        |
| DECIDED               | June 16, 2026                                                                                                                                                                                                                                                                                               |
| DOCKET                | No. 26-1100-STA-jay                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | The district court reviewed de novo a magistrate judge's report and recommendation recommending dismissal of Plaintiff's complaint as frivolous under 28 U.S.C. § 1915(e)(2). The court adopted the recommendation, dismissed the complaint, and certified that an appeal would not be taken in good faith. |
| STANDARD OF REVIEW    | De novo review of the magistrate judge's report and recommendation.                                                                                                                                                                                                                                         |
| PRECEDENTIAL VALUE    | nonprecedential district court order                                                                                                                                                                                                                                                                        |
| PARTIES               | William Scott Howard, Sr. v. Tennessee Department of Mental Health                                                                                                                                                                                                                                          |

TOPICS

- civil procedure
- appellate procedure
- motions to dismiss
- standard of review
- section 1983

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to dismiss the complaint as frivolous under 28 U.S.C. § 1915(e)(2) should be adopted.
2. Whether Plaintiff should be permitted to proceed in forma pauperis on appeal or whether the court should certify that an appeal would not be taken in good faith.

## HOLDINGS

1. The court adopted the magistrate judge's report and recommendation in its entirety and dismissed the complaint as frivolous.
2. The court certified that any appeal by Plaintiff would not be taken in good faith and denied leave to proceed in forma pauperis on appeal.

## KEY QUOTATIONS

*“The good faith standard is an objective one.”*

*“The test for whether an appeal is taken in good faith is whether the litigant seeks appellate review of any issue that is not frivolous.”*

## FACTUAL BACKGROUND

William Scott Howard, Sr. filed a complaint against the Tennessee Department of Mental Health. A magistrate judge recommended dismissal because the complaint was frivolous under 28 U.S.C. § 1915(e)(2). Howard did not file objections within the requisite time.

## PROCEDURAL HISTORY

A magistrate judge recommended dismissal of Plaintiff's complaint as frivolous under 28 U.S.C. § 1915(e)(2). Plaintiff filed no objections within the required period. The district court reviewed the recommendation and record de novo, adopted the recommendation in full, dismissed the complaint, and denied leave to proceed in forma pauperis on appeal.

## DISPOSITION

dismissed

## CASES CITED

- Callihan v. Schneider, 178 F.3d 800, 803-04 (6th Cir. 1999)
- Coppedge v. United States, 369 U.S. 438, 445 (1962)
- Williams v. Kullman, 722 F.2d 1048, 1050 n.1 (2d Cir. 1983)

## OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TENNESSEE EASTERN DIVISION WILLIAM SCOTT HOWARD, SR., ) ) Plaintiff, ) ) vs. ) No. 26-1100-STA-jay ) TENNESSEE DEPARTMENT ) OF MENTAL HEALTH, ) ) Defendant. ) ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE FOR DISMISSAL AND ORDER CERTIFYING APPEAL NOT TAKEN IN GOOD FAITH Before the Court is the United States Magistrate Judge's Report and Recommendation that Plaintiff's complaint be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2).

(ECF No. 8.) Plaintiff has not filed any objections within the requisite time. Having reviewed the Magistrate Judge's Report and Recommendation de novo and the entire record of the proceedings, the Court hereby ADOPTS the Report and Recommendation in its entirety, and the complaint is DISMISSED.

The Court must also consider whether Plaintiff should be allowed to appeal this decision in forma pauperis, should he seek to do so. Pursuant to the Federal Rules of Appellate Procedure, a non-prisoner desiring to proceed on appeal in forma pauperis must obtain pauper status under Fed. R. App. P. 24(a). See *Callihan v. Schneider*, 178 F.3d 800, 803-04 (6th Cir.

1999). Rule 24(a) provides that if a party seeks pauper status on appeal, he must first file a motion in the district court, along with a supporting affidavit. Fed. R. App. P. 24(a)(1). However, Rule 24(a) also provides that if the district court certifies that an appeal would not be taken in good faith, or otherwise denies leave to appeal in forma pauperis, the party must file his motion to proceed in forma pauperis in the Court of Appeals.

Fed. R. App. P. 24(a)(4)-(5). The good faith standard is an objective one. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). The test for whether an appeal is taken in good faith is whether the litigant seeks appellate review of any issue that is not frivolous. *Id.* It would be inconsistent for a district court to determine that the complaint should be dismissed as frivolous but has sufficient merit to support an appeal in forma pauperis.

See *Williams v. Kullman*, 722 F.2d 1048, 1050 n.1 (2d Cir. 1983). The same considerations that lead the Court to dismiss the complaint also compel the conclusion that an appeal would not be taken in good faith. It is CERTIFIED, pursuant to Fed. R. App. P. 24(a), that any appeal in this matter by Plaintiff is not taken in good faith. Leave to proceed on appeal in forma pauperis is, therefore, DENIED.

Accordingly, if Plaintiff files a notice of appeal, he must also pay the full appellate filing fee or file a motion to proceed in forma pauperis and supporting affidavit in the Sixth Circuit Court of Appeals within thirty (30) days.<sup>1</sup> The Clerk is DIRECTED to enter judgment in accordance with

this order. IT IS SO ORDERED. s/ S. Thomas Anderson S. THOMAS ANDERSON UNITED STATES DISTRICT JUDGE Date: June 16, 2026 1 Pursuant to Fed.

R. App. P. 3(a), any notice of appeal should be filed in this court. A motion to appeal in forma pauperis then should be filed directly in the United States Court of Appeals for the Sixth Circuit. Unless he is specifically instructed to do so, Plaintiff should not send to this court copies of documents intended for filing in the Sixth Circuit.