

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SONNY WHITTED,	:	
Plaintiff,	:	
vs.	:	CIVIL ACTION 06-000776-KD-B
RICHARD ROBERTS,	:	
Defendant.	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to Plaintiff Sonny Whitted's Motion for Leave to Appeal In Forma Pauperis, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(3) is ADOPTED as the opinion of this Court. It is CERTIFIED that this appeal is not taken in good faith in that Plaintiff has failed to show that he has a non-frivolous issue to be presented to the Eleventh Circuit Court of Appeals. Therefore, Whitted's Motion for Leave to Appeal In Forma Pauperis (Doc. 37) is DENIED.

DONE this May 19, 2010.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE