

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

DARWIN KNIGHT,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION NO.: 08-0301-KD-C
	:	
OFFICER LANE, et. al.,	:	
	:	
Defendants.	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to Darwin Knight's motion for leave to appeal *in forma pauperis* (Doc. 26), 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 the plaintiff has failed to show that he has a non-frivolous issue to be presented to the Eleventh Circuit Court of Appeals. Therefore, Plaintiff Knight's motion for leave to appeal *in forma pauperis* is **DENIED**.

DONE and ORDERED this the 13th day of **April 2010**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE