

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

MARC E. OLIVER, d/b/a GULF COAST :
ENVIRONMENTAL AND RECOVERY, :
and T.M. JEMISON CONSTRUCTION :
CO. INC. d/b/a JEMISON MARINE, INC., :
Plaintiffs, : CA 11-0223-KD-C

MIDSOUTH BANK, N.A., :
Plaintiff/Counter-Defendant : IN ADMIRALTY
In Personam and In Rem

vs. :

M/V BARBARY COAST, her engines, :
tackle, furniture, and appurtenances, etc., :
In Rem, and RODD CAIRNS, an :
individual, and ATCHAFALAYA MARINE, :
LLC, In personam, :
Defendants/Counter-Plaintiffs/ :
Third-Party Plaintiffs, :

vs. :

EAGLE RIVER TOWING, L.L.C., p/k/a or :
a/k/a EAGLE INLAND TOWING, :
NATIONAL UNION FIRE INSURANCE :
COMPANY OF PITTSBURGH, PA, :
LOUISIANA LIMESTONE & LOGISTICS, :
L.L.C., and CURTIS BUFORD, :
Third-Party Defendants. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated August 30, 2012 is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Third-Party Plaintiff Rodd Cairns' appeal *in forma pauperis* (Doc. 280) is not taken in good faith, 28 U.S.C. § 1915(a)(3), and as such, the motion (Doc. 280) is hereby **DENIED**.

DONE and ORDERED this the **18th** day of **September 2012**.

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