

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

BILLY JOE DENHAM, JR.

PLAINTIFF

V.

CASE NO. 09-CV-4094

DAVID STINSON, Narcotics  
Investigator, Howard County,  
Arkansas

DEFENDANT

**ORDER**

Before the Court is the Report and Recommendation filed February 22, 2010, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 13). Judge Bryant recommends that Plaintiff's motion for leave to appeal be denied as the appeal is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3). Judge Bryant further recommends that the clerk be directed to collect the \$455 filing fee pursuant to the terms of the Prison Litigation Reform Act. Plaintiff may renew his motion for leave to appeal *in forma pauperis* with the Eighth Circuit Court of Appeals. Fed. R. App. P. 24(a). Plaintiff has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. Accordingly, Plaintiff's motion for leave to appeal (Doc. 12) is **DENIED**.

**IT IS SO ORDERED**, this 22d day of March, 2010.

/s/ Harry F. Barnes  
Hon. Harry F. Barnes  
United States District Judge