

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

WILLIE MUNN

PLAINTIFF

VS.

CASE NO. 4:11-CV-4085

SHERIFF BUTCH MORRIS,
Nashville, Howard County, Arkansas;
JALA TALLANT, Jail Administrator

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed April 4, 2012 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 49). Judge Bryant recommends that Plaintiff’s Motion for Leave to Appeal In Forma Pauperis (ECF No. 48) be denied. After reviewing the record *de novo*, the Court adopts Judge Bryant’s Report and Recommendation as its own.

Judge Bryant recommends denying Plaintiff’s motion because under 28 U.S.C. § 1915(a)(3) “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” In this case, claims against Sheriff Morris and Jala Tallant are still pending, and a final appealable judgment has not been entered pursuant to Federal Rule of Civil Procedure 54(b). For this reason, Plaintiff’s appeal is not taken in good faith. Plaintiff has filed an objection to the Report and Recommendation (ECF No. 50), but he has not articulated any reason why Judge Bryant’s recommendation is in error.

The Court overrules Plaintiff’s objections and adopts Judge Bryant’s Report and Recommendation (ECF No. 49). For the reasons stated herein and above, as well as those contained in the Report and Recommendation, Plaintiff’s motion for leave to appeal in forma pauperis (ECF

No. 48) is **DENIED**. The clerk is 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 Court of Appeals for the Eighth Circuit. Fed. R. App. P. 24(a).

IT IS SO ORDERED, this 13th day of April, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge