

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

TINA EMERSON

PLAINTIFF

VS.

Civil No. 6:11-cv-6085

JUDGE McCALLUM,  
Circuit Judge, Clark County,  
Arkansas

DEFENDANT

**ORDER**

Before the Court is the Report and Recommendation filed November 5, 2012, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 54). Judge Bryant recommends that Plaintiff's Motion for Leave to Appeal *in forma pauperis* be denied. (ECF No. 53). Judge Bryant concluded that, because Plaintiff's claims were frivolous and/or asserted against an individual immune from suit, her appeal has not been taken in good faith. For this reason, Judge Bryant found that allowing Plaintiff's appeal to be taken *in forma pauperis* would not be appropriate under 28 U.S.C. § 1915(a)(3).

Plaintiff filed a document which the Court will construe as an objection to the Report and Recommendation. (ECF No. 56). The objection states Plaintiff did not "in bad faith come to this court." Plaintiff also attached a document entitled "Calculation of Initial Payment of Filing Fee" which reflects that she has been unable to pay her court filing fees. After reviewing the record *de novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

Plaintiff's objection does not address the substance of her dismissed claim against Judge McCallum, an individual who is clearly immune from suit. Nor does her objection specifically

address Judge Bryant's finding that her appeal of that dismissal would be taken in bad faith. For these reasons, the Court overrules Plaintiff's objections and adopts Judge Bryant's Report and Recommendation as its own. (ECF No. 54). For the reasons stated herein and above, as well as those contained in the Report and Recommendation, Plaintiff's Motion to Proceed *in forma pauperis* (ECF No. 53) should be and hereby is **DENIED**.

**IT IS SO ORDERED**, this 7th day of December, 2012.

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