

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

STUART WINSOR,

Plaintiff,

v.

Case No: 6:16-cv-2139-Orl-41TBS

THE HOME DEPOT U.S.A., INC.,

Defendant.

ORDER

THIS CAUSE is before the Court on Plaintiff's Petition for Permission to Appeal (Doc. 17), Motion for Leave to Proceed *In Forma Pauperis* ("Motion to Appeal IFP," Doc. 19), and Motion for Electronic Filing (Doc. 20). The Court will address each of Plaintiff's motions in turn.

On June 12, 2017, this Court dismissed Plaintiff's Complaint with prejudice because it was untimely filed. (June 12, 2017 Order, Doc. 16, at 3). Plaintiff subsequently filed a motion for leave to appeal, in which he asks the Court for permission to appeal or, alternatively, for an opportunity to file an amended complaint. The Court will construe Plaintiff's motion as a motion for reconsideration. Because Plaintiff fails to articulate any basis justifying reconsideration of this Court's prior Order dismissing this case with prejudice, Plaintiff's Petition for Permission to Appeal will be denied.

Turning to Plaintiff's Motion to Appeal IFP, United States Magistrate Judge Thomas B. Smith reviewed the motion and submitted a Report and Recommendation (Doc. 22), in which he recommends that the Court certify that Plaintiff's appeal is not taken in good faith and deny the motion. After a *de novo* review of the record, and noting that no objections were timely filed, the

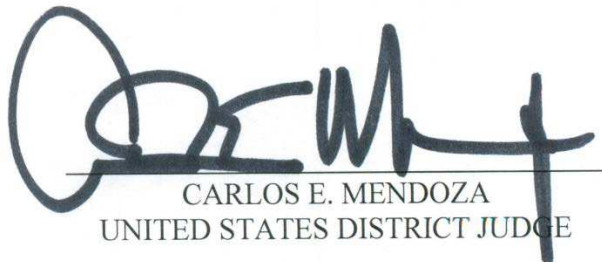
Court agrees with the Report and Recommendation. Accordingly, the Court will certify that Plaintiff's appeal is not taken in good faith and deny the Motion to Appeal IFP.

Also pending is Plaintiff's Motion for Electronic Filing. Because this case has been dismissed with prejudice, there is no need for Plaintiff to submit any additional filings in this case. Consequently, the motion will be denied as moot.

It is therefore **ORDERED** and **ADJUDGED** as follows:

1. Plaintiff's Petition for Permission to Appeal (Doc. 17) is **DENIED**.
2. The Report and Recommendation (Doc. 22) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
3. Pursuant to 28 U.S.C. § 1915(a)(3), the Court hereby **CERTIFIES** that Plaintiff's appeal is not taken in good faith.
4. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 19) is **DENIED**.
5. Plaintiff's Motion for Electronic Filing (Doc. 20) is **DENIED as moot**.

DONE and **ORDERED** in Orlando, Florida on August 7, 2017.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party