

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ANNAMARIE RIETHMILLER,

Plaintiff,

v.

Case No: 6:17-cv-1414-Orl-41DCI

**PEOPLE READY FLORIDA, INC.,
SPRING FOOD SVC, LLC, DISNEY
WORLD RESORTS and BANK OF
AMERICA, N.A.,**

Defendants.

ORDER

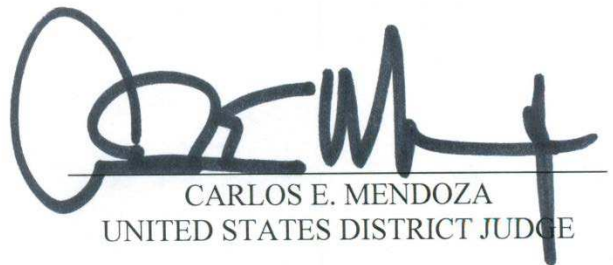
THIS CAUSE is before the Court on Plaintiff's Motion for Permission to Appeal *In Forma Pauperis* (Doc. 32). United States Magistrate Judge Daniel C. Irick submitted a Report and Recommendation (Doc. 33), in which he recommends that the Court certify that Plaintiff's appeal of the September 22, 2017 Order (Doc. 16) denying Plaintiff's Motion to Disqualify the undersigned is not taken in good faith and deny the motion.

Plaintiff filed a Response to a different Report and Recommendation submitted by Judge Irick on November 28, 2017. (*See* "Objection," Doc. 37). However, because the Objection also raises arguments relating to Plaintiff's appeal of the Order denying the Motion to Disqualify, this Court construes the Objection as if it were filed in response to the December 7, 2017 Report and Recommendation. After reviewing Plaintiff's arguments stated therein, it is apparent that to the extent Plaintiff objects to Judge Irick's December 7, 2017 Report and Recommendation, her Objection is without merit. Plaintiff argues that her appeal of the Order denying her Motion to Disqualify is proper, but Judge Irick correctly pointed out that "[a]n interlocutory appeal does not

lie from the denial of a motion to disqualify a district judge.” *Wyatt v. Rogers*, 92 F.3d 1074, 1080 (11th Cir. 1996). Additionally, Plaintiff’s Objection fails to assert a non-frivolous legal basis for appeal from this Court’s Order on her Motion to Disqualify. Accordingly, after a *de novo* review of the record, the Court agrees with the analysis set forth in the Report and Recommendation. Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 33) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Pursuant to 28 U.S.C. § 1915(a)(3), the Court hereby **CERTIFIES** that Plaintiff’s appeal is not taken in good faith.
3. Plaintiff’s Motion for Permission to Appeal *In Forma Pauperis* (Doc. 32) is **DENIED**.

DONE and **ORDERED** in Orlando, Florida on January 2, 2018.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party