

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

STEPHEN RICHMOND CUMMINGS,

Plaintiff,

v.

Case No: 6:17-cv-1897-Orl-41DCI

**JAMES FRANCIS CAMERON,
LIGHTSTORM ENTERTAINMENT,
INC., SONY PICTURES
ENTERTAINMENT INC.,
PARAMOUNT PICTURES CORP.,
PARAMOUNT HOME
ENTERTAINMENT, INC. and
TWENTIETH CENTURY FOX FILM
CORPORATION,**

Defendants.

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion for Leave to Appeal *in forma pauperis*/affidavit of indigency. ("Motion," Doc. 95). United States Magistrate Judge Daniel C. Irick issued a Report and Recommendation ("R&R," Doc. 97) in which he recommends denying Plaintiff's Motion and certifying to the Eleventh Circuit that the appeal is not taken in good faith. (*Id.* at 3). Judge Irick bases his recommendation on the fact that Plaintiff is also appealing this Court's decision to dismiss Plaintiff's Amended Complaint (Doc. 44) with prejudice as a shotgun pleading despite Plaintiff ignoring specific instructions on how to avoid filing a shotgun pleading. (*Id.* at 2; *see* Oct. 31, 2018 Order, Doc. 90) (dismissing Amended Complaint with prejudice as a shotgun pleading after Plaintiff disobeyed clear instructions on how to amend complaint correctly).

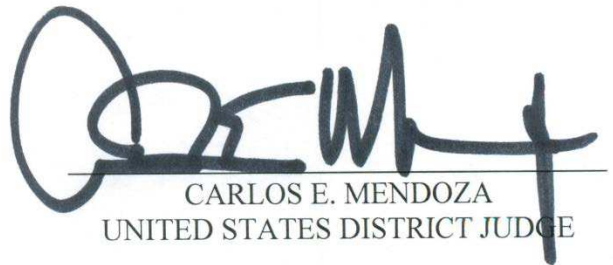
Plaintiff filed Objections to the R&R (Doc. 98) that do not address Judge Irick's findings. Namely, Plaintiff's objections "certify that [Plaintiff's] Appeal . . . is taken in good faith" with no

evidence or argument. Plaintiff also makes vague, unsupported allegations that the Court has erred, that Plaintiff has not been given a fair hearing, that “the Federal Rules of Appellate Procedure[] and Rules of the Supreme Court of the United States of America[] do apply,” and that because there has been no valid complaint there can be no dismissal with prejudice. (*Id.* at 3–5). Plaintiff makes no substantive objection to the R&R.

Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 97) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff’s Motion for Leave to Appeal *in forma pauperis*/affidavit of indigency (Doc. 95) is **DENIED**.
3. The Court **CERTIFIES** that Plaintiff’s appeal is not taken in good faith.
4. The Clerk is directed to notify the Eleventh Circuit in accordance with Fed. R. App. P. 24(a)(4).

DONE and **ORDERED** in Orlando, Florida on January 7, 2019.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party