

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

AL-RASHID MUHAMMAD ABDULLAH,

Plaintiff,

v.

Case No: 8:16-cv-1182-T-27JSS

**CITY OF PLANT CITY POLICE
DEPARTMENT, et al.,**

Defendants.

ORDER

BEFORE THE COURT is Plaintiff's "Affidavit of Facts in Support of Reconsideration on Construed Motion to Proceed on Appeal In Forma Pauperis, to Make Additional Factual Findings-Objecting to Order of Denial Motion for Permission to Appeal In Forma Pauperis Indigency" (Dkt. 45). The motion is DENIED.

The undersigned certifies that this appeal is not taken in good faith.¹ While Plaintiff purports to enumerate the issues he intends to raise on appeal, he has not demonstrated "the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal." *McIntosh v. U. S. Parole Comm'n*, 115 F.3d 809, 812 (10th Cir. 1997) (quoting *DeBardleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991)).

DONE AND ORDERED this 10th day of January, 2018.


JAMES D. WHITTEMORE
United States District Judge

Copies to: *Pro Se* Plaintiff, Counsel of Record

¹ An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). "Good faith" has been defined as a requirement that an appeal present a nonfrivolous question for review." *Cruz v. Hauck*, 404 U.S. 59, 62 (1971). "An issue is frivolous when it appears that 'the legal theories are indisputably meritless.'" *Ghee v. Retailers Nat'l Bank*, 271 F. App'x. 858, 860 (11th Cir. 2008) (quoting *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993)). "In other words, an IFP action is frivolous, and thus not brought in good faith, if it is 'without arguable merit either in law or fact.'" *Ghee*, 271 F. App'x. at 859-860 (quoting *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001)).