

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FREDDIE WILSON,

Plaintiff,

v.

CASE NO. 8:16-cv-2102-T-23AAS

BANK OF AMERICA,

Defendant.

\_\_\_\_\_ /

**ORDER**

The magistrate judge recommends (Doc. 38) denying Freddie Wilson's motion (Doc. 36) for leave to proceed on appeal *in forma pauperis*. Specifically, the magistrate judge finds that Wilson's motion (Doc. 36) fails to comply with Rule 24(a), Federal Rules of Appellate Procedure, because "the absence of any specified issues on appeal leads [the magistrate judge] to conclude that the appeal is not taken in good faith." A good faith inquiry "is limited to whether the appeal involves 'legal points arguable on their merits (and therefore not frivolous).'" *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (per curiam). Wilson objects (Doc. 39) to the report and recommendation.

After de novo review by the district court of the report and recommendation, Wilson's objections (Doc. 39) are **OVERRULED**, and the report and recommendation (Doc. 38) is **ADOPTED**. Wilson's motion (Doc. 36) to proceed on

appeal *in forma pauperis* is **DENIED**. In accord with Rule 24, Federal Rules of Appellate Procedure, the clerk is directed to notify the court of appeals.

Under Rule 24(a)(5), within thirty days of service of this order, Wilson can move in the court of appeals to proceed on appeal *in forma pauperis*. The motion under Rule 24(a)(5) must include a copy of the affidavit (Doc. 36) filed in the district court and the district court's statement of reasons for denying the motion to proceed on appeal *in forma pauperis*.

ORDERED in Tampa, Florida, on February 13, 2017.



---

STEVEN D. MERRYDAY  
UNITED STATES DISTRICT JUDGE