

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LELAND R. JOHNSON,

Plaintiff,

v.

CASE NO. 8:17-cv-1384-T-23MAP

KEVIN BROOKS, et al.,

Defendants.

ORDER

An August 9, 2017 order (Doc. 9) dismisses the complaint for failure to state a claim and dismisses the action for frivolity. Correctly observing that the appeal appears frivolous, Magistrate Judge Pizzo recommends (Doc. 13) denying under 28 U.S.C. § 1915(a)(3) the plaintiff's motion (Doc. 12) to proceed *in forma pauperis* on appeal. More than fourteen days after the report and recommendation, no objection appears. The report and recommendation (Doc. 13) is **ADOPTED**, and the motion (Doc. 12) to proceed *in forma pauperis* on appeal is **DENIED**.

ORDERED in Tampa, Florida, on October 3, 2017.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE