

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

MICKEY K. SUTTON,

Petitioner,

v.

CASE NO. 1:07cv64-MP-GRJ

JAMES MCDONOUGH,

Respondent.

_____ /

ORDER

This matter is before the court on petitioner's motion to proceed on appeal *in forma pauperis* (doc. 48) and motion for certificate of appealability (doc. 49). For the reasons stated in the Report and Recommendation (doc. 32) and the adopting Order (doc. 39), the court finds that petitioner fails to make a substantial showing of the denial of a constitutional right and the issues are not adequate enough to deserve encouragement to proceed further. Additionally, under Fed. R. App. P. 24, the court certifies that the appeal is not taken in good faith.

Accordingly, it is now **ORDERED** as follows:

1. Petitioner's motion to proceed *in forma pauperis* (doc. 48) is DENIED.
2. Petitioner's motion for certificate of appealability (doc. 49) is DENIED.

DONE and ORDERED this 2nd day of April, 2012.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE