

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

FRANK C JOHNSON, JR,

Plaintiff,

v.

CASE NO. 1:08-cv-00038-MP-AK

JOEL SETTEMBRINI, JR,
SMITH HULSEY BUSSEY,
JOHN H WILBUR,

Defendants.

ORDER

This matter is before the Court on Doc. 33, Motion for Leave to Appeal in Forma Pauperis by Frank C Johnson Jr. Under Fed. R. App. P. 24(1), a party seeking to proceed *in forma pauperis* on appeal must file a motion with the district court, including an affidavit listing the information set out in Fed. R. App. P. 24(a)(1)(A)-(C). The plaintiff has done so. However, the Court, under Fed. R. App. P. 24(a)(4) may certify that the appeal is not taken in good faith and for that reason deny the motion to proceed *in forma pauperis*.

As set out in the order at Doc. 29 and the Report and Recommendation at Doc. 11, this case is patently frivolous. Accordingly, the Court hereby certifies that the appeal is not taken in good faith. The motion to proceed *in forma pauperis* on appeal (doc. 33) is denied. Also, the motion to stay at Doc. 34 is denied.

DONE AND ORDERED this 21st day of May, 2009

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge