

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

WILLIE MAE STUART,

Plaintiff,

vs.

CASE NO.: 4:10-CV-96-SPM/GRJ

CARBONELLY, et al.,

Defendants.

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ORDER

This cause comes before the Court upon a letter that Plaintiff sent to the Court (doc. 68), which has been construed as a motion for reconsideration of the decision denying the motion for leave to appeal in forma pauperis and to appoint counsel. Additionally, Plaintiff has requested clarification on the status of her case.

On November 3, 2011, the magistrate judge issued a Report and Recommendation (doc. 47) regarding Defendants' motion to dismiss for lack of jurisdiction (doc. 45). Because the Plaintiff failed to exhaust her administrative remedies, this Court does not have jurisdiction over this matter, and therefore the magistrate judge recommended granting the motion to dismiss. This Court agreed and on January 12, 2012, adopted the Report and Recommendation and granted the motion to dismiss (doc. 49). Plaintiff subsequently filed a notice of appeal to have her case heard by the United States Court of Appeals for the Eleventh Circuit. The notice of appeal included a request for leave to appeal in forma pauperis and a motion to appoint counsel (docs. 56 and 61). As previously stated, because

Plaintiff failed to exhaust her administrative remedies prior to filing an action in the district court, this Court does not have jurisdiction and cannot hear this case. This is not optional. Therefore, in accordance with Title 28, United States Code, Section 1915(a)(3), the Court certified that Plaintiff's appeal is not taken in good faith and denied the motion for leave to appeal in forma pauperis and the motion to appoint counsel. The Court finds no reason to change its previous ruling. Accordingly, it is

ORDERED AND ADJUDGED that Plaintiff's letter to the Court which has been construed as a motion for reconsideration (doc. 68) is **denied**. All future filings regarding Plaintiff's appeal should be filed with the United States District Court of Appeals for the Eleventh Circuit.

DONE AND ORDERED this 4th day of April, 2012.

S/ Stephan P. Mickle
Stephan P. Mickle
Senior United States District Judge