

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

JAMES NELSON,

Plaintiff,

v.

CASE NO. 4:18cv39-RH/CAS

FLORIDA STATE PRISON WEST
et al.,

Defendants.

_____ /

**ORDER DISMISSING THE COMPLAINT AND
DENYING THE MOTIONS TO STAY AND TO
PROCEED ON APPEAL IN FORMA PAUPERIS**

This case is before the court on the magistrate judge's report and recommendation, ECF No. 3, and the objections, ECF No. 5. I have reviewed de novo the issues raised by the objections.

The recommendation is for dismissal because the plaintiff has not paid the filing fee and is ineligible to proceed *in forma pauperis*. See 28 U.S.C. § 1915(g). This order accepts the report and recommendation, adopts it as the court's opinion, and directs the clerk to enter judgment dismissing the case.

Separately, the plaintiff has moved to stay further proceedings and for leave to appeal *in forma pauperis*. The plaintiff is ineligible to proceed on appeal *in forma pauperis*; § 1915(g) applies to appeals just as it does to actions in the district court.

For these reasons,

IT IS ORDERED:

1. The report and recommendation is accepted and adopted as the court's opinion.
2. The motion to stay, ECF No. 4, is denied.
3. The clerk must enter judgment stating, "The complaint is dismissed without prejudice."
4. The motion for leave to proceed on appeal *in forma pauperis*, ECF No. 6, is denied.
5. The clerk must close the file.

SO ORDERED on February 10, 2018.

s/Robert L. Hinkle
United States District Judge