

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No: 15-20160-CIV-GAYLES/TURNOFF

YOUNES KABBAJ,

Plaintiff,

vs.

BRIAN ALBRO, *et al.*,

Defendants.

ORDER

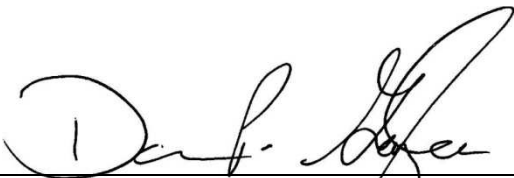
THIS MATTER came before the Court on Plaintiff's Motion to Proceed *In Forma Pauperis* on Appeal [ECF No. 23]. The Court referred the matter to the Honorable William C. Turnoff, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B) and Administrative Order 2003-19 of this Court, for a Report and Recommendation [ECF No. 24]. On June 16, 2015, Judge Turnoff issued a Report recommending that the Court deny Plaintiff's Motion to Proceed *In Forma Pauperis* [ECF No. 25]. Plaintiff has objected to the Report [ECF No. 26].

Judge Turnoff found that Plaintiff failed to file a sworn affidavit in support of his motion in accordance with Federal Rule of Appellate Procedure 24(a)(1), and that even if Plaintiff had filed a sworn affidavit, his appeal is frivolous. Therefore, he recommends that Plaintiff's motion be denied. "An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). A frivolous appeal is not taken in good faith. *United States v. Alvarez*, 506 F.Supp.2d 1285, 1290 (S.D. Fla. 2007). The Court concurs with Magistrate Judge Turnoff's recommendation.

Plaintiff has filed lengthy objections to the Report. Plaintiff, however, is attempting to re-argue his Motion for Reconsideration and his Motion for Recusal. The Court finds Plaintiff's objections raise no new credible arguments. Based thereon, it is

ORDERED and ADJUDGED that Judge Turnoff's Report and Recommendation [ECF No. 25] is **AFFIRMED and ADOPTED** as the Order of the Court. Accordingly, Plaintiff's Motion to Proceed *In Forma Pauperis* [ECF No. 23] is **DENIED**.

DONE and ORDERED in chambers, at Miami, Florida, this 9th day of July, 2015.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE