IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JAMES EDWARD BOYD,	:	
Petitioner,	:	
VS.	:	
	:	NO. 5:11-CV-459 (MTT)
Warden J. DARRELL HART,	:	
Respondent.	:	**O R D E R**

Before the Court is Petitioner **JAMES EDWARD BOYD'S** motion for leave to proceed *in forma pauperis* on appeal (Doc. 27). The Court received Petitioner's motion the day after the Eleventh Circuit Court of Appeals dismissed Petitioner's appeal for his failure timely to file this motion (Doc. 26). Both because the Eleventh Circuit has dismissed the appeal and because Petitioner fails to raise a non-frivolous issue on appeal, ***see*** 28 U.S.C. § 1915(a)(3), the Court hereby **DENIES** the instant motion.

SO ORDERED, this 23rd day of August, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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