

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MELVIN RICHARDSON,)	
Petitioner)	
)	
v.)	C.A. NO. 09-30079-MAP
)	
UNITED STATES OF AMERICA,)	
Respondent)	

MEMORANDUM AND ORDER REGARDING
REPORT AND RECOMMENDATION WITH REGARD TO
PETITIONER'S RENEWED MOTION FOR LEAVE
TO PROCEED IN FORMA PAUPERIS
(Docket Nos. 18 & 19)

November 4, 2010

PONSOR, D.J.

Melvin Richardson ("Petitioner"), a federal prisoner proceeding pro se under 28 U.S.C. § 2255, has filed a Renewed Motion for Leave to Proceed In Forma Pauperis (Dkt. No. 18). The motion was referred to Magistrate Judge Kenneth P. Neiman for a report and recommendation. On October 14, 2010, Magistrate Judge Neiman issued his Report and Recommendation, to the effect that Petitioner's motion be denied and that the court certify in writing to the First Circuit Court of Appeals pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3)(A) that Petitioner's appeal has not been taken in good faith. Judge Neiman admonished the parties that failure to object to the Report and Recommendation within fourteen days would result in adoption of the Report and Recommendation. See Dkt. No. 19 at 3 n.2.

No objection has been filed.

Upon de novo review, the court hereby ADOPTS the Report and Recommendation of Magistrate Judge Kenneth P. Neiman dated October 14, 2010. Given the history of this case, it is absolutely manifest that Petitioner's appeal is not taken in good faith. Moreover, as noted, no opposition has been filed to the Report and Recommendation.

Having adopted the Magistrate's Judge's Report and Recommendation, Petitioner's Renewed Motion for Leave to Proceed In Forma Pauperis (Docket No. 18) is hereby DENIED and I hereby certify in writing that Petitioner's appeal is not taken in good faith.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge