

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT W. JOHNSON,

Plaintiff,

-against-

TUNECARE, *et al.*,

Defendants.

22-CV-6460 (LTS)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

On July 10, 2020, Plaintiff was barred from filing any new civil action in this court *in forma pauperis* (“IFP”) without first obtaining from the court leave to file. *See Johnson v. Wolfe*, ECF 1:19-CV-7337, 8 (S.D.N.Y. July 10, 2020), *appeal dismissed*, No. 21-299 (2d Cir. July 15, 2021). Plaintiff filed this new *pro se* action with an incomplete request to proceed IFP.<sup>1</sup> Plaintiff has not, however, sought leave to file. The Court therefore dismisses this action without prejudice for Plaintiff’s failure to comply with the court’s July 10, 2020, order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: August 1, 2022  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge

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<sup>1</sup> The IFP application attached to Plaintiff’s complaint is missing page 2. (ECF No. 1 at 113.)