

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES CARTER,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 09-66 ERIE
)	
WARDEN J.T. SHARTLE,)	
)	
Defendant.)	

ORDER

The magistrate judge's report and recommendation ("R&R"), filed on July 6, 2011, recommended that the Motion for Leave to Proceed on Appeal in Forma Pauperis (Doc. 20) be denied.

The parties were allowed fourteen (14) days from the date of service to file objections. Objections were filed by the petitioner on July 15, 2011. After de novo review, we adopt Magistrate Judge Baxter's July 6, 2011 R&R as the Opinion of the Court.

AND NOW, this 22nd day of November, 2011, IT IS HEREBY ORDERED, ADJUDGED and DECREED that said report and recommendation is adopted as the opinion of the Court. Leave to proceed *in forma pauperis* is DENIED.

/s/ Maurice B. Cohill, Jr.

MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____