



judge that plaintiff's request to file an interlocutory appeal is premature because plaintiff has not complied with the requirements of 28 U.S.C. § 1292. Consequently, plaintiff's objections will be overruled, the R&R will be accepted in whole, and his motion for leave to appeal *in forma pauperis* will be denied.

For the foregoing reasons, as well as the reasons articulated by Magistrate Judge Shirley in his R&R, plaintiff's objections to the R&R [Doc. 49] are hereby **OVERRULED** in their entirety whereby the R&R [Doc. 46] is **ACCEPTED IN WHOLE**. Accordingly, plaintiff's motion for leave to appeal *in forma pauperis* [Doc. 43] is **DENIED**.

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge