

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ELVIS D. LYLES, III]	
Plaintiff,]	
]	
v.]	No. 3:12-1304
]	Judge Sharp
SONNY WEATHERFORD, et al.]	
Defendants.]	

O R D E R

The Court has before it a *pro se* complaint (Docket Entry No.1) under 42 U.S.C. § 1983 and an application to proceed in forma pauperis (Docket Entry No.2).

It appears from the application that the plaintiff lacks sufficient financial resources from which to pay the \$350.00 filing fee. Accordingly, plaintiff's application to proceed in forma pauperis is GRANTED. 28 U.S.C. § 1915(a).

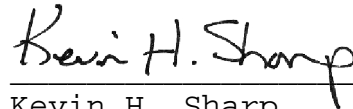
In accordance with the Memorandum contemporaneously entered, the complaint fails to state a claim upon which relief can be granted. Consequently, this action is hereby DISMISSED. 28 U.S.C. § 1915(e)(2).

An appeal of the judgment rendered herein would not be taken in good faith. Coppedge v. United States, 369 U.S. 438, 445-446 (1962). Therefore, the plaintiff is NOT certified to pursue an appeal of this judgment in forma pauperis. 28 U.S.C. § 1915(a)(3).

Nevertheless, should the plaintiff decide to file a notice of appeal, he must either pay the Clerk of Court the full appellate filing fee of four hundred fifty five dollars (\$455.00) or submit a new application to proceed in forma pauperis. McGore v. Wigglesworth, 114 F.3d 601 (6th Cir. 1997).

Entry of this order shall constitute the judgment in this action.

It is so ORDERED.



Kevin H. Sharp
United States District Judge