Coleman v. Sellars Doc. 31

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF TEXAS**
**DALLAS DIVISION**

| | | |
|---|---|---|
| **AUDREY COLEMAN,** | ) | |
| **Plaintiff,** | ) | |
| **vs.** | ) | **No. 3:13-CV-1648-M** |
| | ) | |
| **TODD SELLARS,** *Dallas County* | ) | |
| *U.S. Assistant District Attorney* | ) | |
| **Defendant.** | ) | |

**ORDER OF THE COURT ON RECOMMENDATION REGARDING**
**REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

( ) The request for leave to proceed *in forma pauperis* on appeal is GRANTED.

(**X**) The application for leave to proceed *in forma pauperis* on appeal is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the Findings, Conclusions, and Recommendation filed in this case on February 24, 2014 (doc. 20). Based on those findings, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.

(**X**) Although this court has certified that the appeal is not taken in good faith under 28 U.S. C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the plaintiff may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

The Clerk's Office is **DIRECTED** to forward the application for leave to proceed *in forma pauperis* (doc. 29) to the Fifth Circuit.

**DATE: May 20, 2014.**

BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS

Dockets.Justia.com