Johnson v. Stephens, Director TDCJ-CID Doc. 29

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

ELLOYD JOHNSON,	)	
ID # 840854,	)	
Petitioner,	)	
vs.	)	**No. 3:13-CV-2820-M**
	)	
WILLIAM STEPHENS, Director,	)	
Texas Department of Criminal	)	
Justice, Correctional Institutions Division,	)	
Respondent.	)	

ORDER OF THE COURT ON RECOMMENDATION
REGARDING IN FORMA PAUPERIS AND CERTIFICATE OF APPEALABILITY

Considering the record in this case and the recommendation of the Magistrate Judge, and pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253(c), the Court hereby finds and orders:

IFP STATUS:

(**X**) the party appealing is DENIED *in forma pauperis* status on appeal for the following reasons:

(**X**) The appeal is not taken in good faith for the reasons stated in the July 14, 2015 *Order Overruling Objections and Denying Motion for Free Copies Under 28 U.S.C. § 2250.*

(**X**) Although this Court has denied the petitioner permission to proceed with this case *in forma pauperis*, he 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. *See also* Fed. R. App. P. 24(a)(5).

COA:

(**X**) a Certificate of Appealability is **DENIED**. The Court hereby adopts and incorporates by reference the July 14, 2015 *Order Overruling Objections and Denying Motion for Free Copies Under 28 U.S.C. § 2250*, in support of its finding that the petitioner has failed to show that reasonable jurists would find "it debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel,* 529 U.S. 473, 484 (2000); *see* 28 U.S.C. § 2253(c)(2).

SO ORDERED.

DATED: November 17, 2015.

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

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