

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

GEARY MILLS, #16878-078 ,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL CASE NO. 3:16-CV-0053-B-BK
	§	
UNITED STATES OF AMERICA,	§	
Defendant.	§	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE

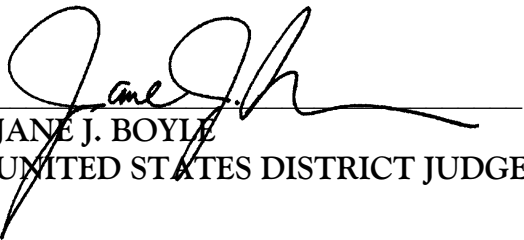
The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. Plaintiff/Petitioner filed objections, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled, and the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Plaintiff's request for monetary damages is DISMISSED WITH PREJUDICE as frivolous and/or for failure to state a claim, *see* 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b), and that Plaintiff is DENIED leave to amend the complaint to seek monetary damages against individual defendants under either *Bivens* or 42 U.S.C. § 1983.

The Court **CERTIFIES** that any appeal of this order would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3). In support of this finding, the Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the Findings and Recommendation, the Court finds that any appeal of this order would present no legal point of

arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).¹ In the event of an appeal, Plaintiff/Petitioner may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. See *Baugh*, 117 F.3d at 202; FED. R. APP. P. 24(a)(5).

SO ORDERED this 12th day of July, 2016.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE

¹Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order. A timely notice of appeal must be filed even if the district court certifies an appeal as not taken in good faith.