

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


<b>TRACY NIXON,</b> <b>Plaintiff,</b> vs.  <b>ATTORNEY GENERAL, et al.,</b> <b>Defendants.</b>	) ) ) ) ) ) )	<b>No. 3:16-CV-2660-D</b>
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**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 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference Judge Godbey’s January 17, 2014 order in Civil Action No. 3:13-CV-3807-N. Based on the findings in that Order, 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.

**DATE:** October 20, 2016.

  
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 SIDNEY A. FITZWATER  
 UNITED STATES DISTRICT JUDGE