

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

<b>LINDA NGUYEN,</b>	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. <b>3:16-CV-3365-L</b>
	§	
<b>MOTEL 6, et al.,</b>	§	
	§	
Defendants.	§	

**ORDER**

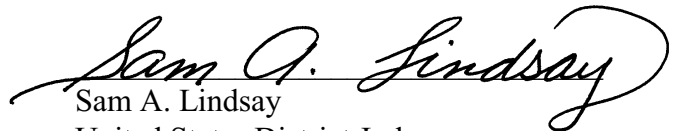
On March 8, 2017, United States Magistrate Judge David L. Horan entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that the court dismiss this action for lack of subject matter jurisdiction. Petitioner filed a response to the Report on March 19, 2017, and other correspondence on March 14, 2017, which the court construes as objections to the Report. Plaintiff, who is pro se, also filed correspondence, which the clerk docketed on March 14, 2017, as a “MOTION to append statements” (“Motion”) (Doc. 17). In this motion, Plaintiff contends that her rights to legal counsel and a fair hearing were violated.

Having reviewed the pleadings, motion, file, record in this case, and Report, and having conducting a de novo review of that portion of the Report to which objection was made, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, **overrules** Plaintiff’s objections, denies her Motion (Doc. 17), and **dismisses without prejudice** this action for lack of subject matter jurisdiction.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. 24(a)(3). In support of this certification, the court

**accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. 24(a)(5).

**It is so ordered** this 4th day of April, 2017.

  
Sam A. Lindsay  
United States District Judge