

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

DEMARCUS KENARD JOE, #1047716,	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. 3:17-CV-1831-L-BH
	§	
JOHN WILEY PRICE;	§	
JUDGE PAUL D. STICKNEY;	§	
DALLAS COUNTY INC. INSURANCE	§	
COMPANY; GEORGE WEST;	§	
and KEATH STRICKLAND,	§	
	§	
Defendants.	§	

ORDER

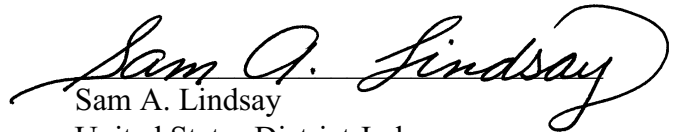
On September 15, 2017, United States Magistrate Judge Irma Carrillo Ramirez entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that this action be dismissed without prejudice, pursuant Federal Rule of Civil Procedure 41(b), for failure to prosecute or comply with a court order. No objections to the Report were filed.

After considering the pleadings, file, the record, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action, pursuant Federal Rule of Civil Procedure 41(b), for failure to prosecute or comply with a court order.

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. P. 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. P. 24(a)(5).

It is so ordered this 29th day of November, 2017.


Sam A. Lindsay
United States District Judge