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

ROSCOE CHAMBERS,)
ID # 13495-030,)
Plaintiff,)
VS.) No. 3:18-CV-0820-D
)
JOSE A. SANTANA,)
Chief Designator for BOP,)
Defendant.)

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) that the appeal is not taken in good faith. In support of this certification, the Court adopts and incorporates by reference the Findings, Conclusions, and Recommendation filed in this case on April 6, 2018 (doc. 5). Based on those findings, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous, and Plaintiff may not proceed *in forma pauperis* on appeal under 28 U.S.C. § 1915(g) (three-strikes rule).

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) and may not proceed *in forma pauperis* on appeal under 28 U.S.C. § 1915(g) (three-strikes rule), 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. Because Plaintiff may not proceed *in forma pauperis* under 28 U.S.C. § 1915(g), no initial partial filing fee is calculated for any such motion to proceed *in forma pauperis* on appeal filed in the Fifth Circuit.

DATE: October 1, 2018.

SENIOR JUDGE