

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LAWRENCE A. WERTS SR.,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
VS.)	
)	3:22-CV-0973-G-BH
LOUIS DEJOY,)	
)	
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 United States Magistrate Judge, the court hereby finds and orders:

- () The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The request for leave to proceed *in forma pauperis* on appeal (docket entry 23) is **DENIED** because the court certifies pursuant to FED. R. APP. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the court incorporates by reference the findings, conclusions, and recommendation filed in this case on September 14, 2022 (docket entry 18). Based on that filing, this court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.
- (X) Although this court has denied leave to proceed *in forma pauperis* on appeal, the plaintiff may challenge the denial 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 thirty days after service of the notice required by FED. R. APP. P. 24(a)(4). *See* FED. R. APP. P. 24(a)(5).

SO ORDERED.

November 17, 2022.



A. JOE FISH
Senior United States District Judge