

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

MICHAEL GEOFFREY PETERS,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:22-CV-2213-L-BN
	§	
TEXAS DEP'T OF CRIMINAL JUSTICE;	§	
GREG ABBOTT; and KEN PAXTON,	§	
	§	
Defendants.	§	

ORDER

On October 7, 2022, the United States Magistrate Judge entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (Doc. 4) (“Report”), recommending that the court summarily deny Plaintiff leave to proceed *in forma pauperis* and dismiss this action with prejudice in light of prior sanctions imposed against him in the United States District Court for the Southern District of Texas as a result of his history of filing frivolous and abusive litigation. Alternatively, the magistrate recommends that the court dismiss without prejudice this action under 28 U.S.C. § 1915(g)’s three strike bar unless, within the time to file objections to this recommendation or by some other deadline established by the court, Plaintiff pays the full filing fee of \$402.

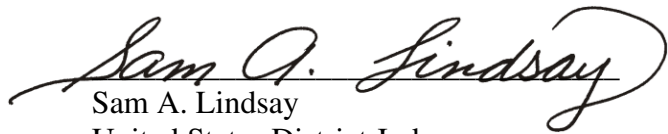
On October 25, 2022, the court received and docketed Plaintiff’s objections to the Report. Plaintiff’s objections fail to address the magistrate judge’s recommended disposition, and, instead, focus on alleged substantive grievances. The court, therefore, **overrules** Plaintiff’s objections.

Further, having considered the pleadings, Report, file, and record in this case, and conducted a de novo review of that portion of the Report to which object was made, the court

determines that the magistrate judge's findings and conclusions are correct, and **accepts** them as those of the court. Accordingly, pursuant to 28 U.S.C. § 1915(g), the court **dismisses with prejudice** this action by Plaintiff, as he has yet to pay the filing fee, and, in failing to address this recommended basis for dismissal in his objections, he waived any objection to it. Under § 1915(g), Plaintiff is also barred from proceeding *in forma pauperis*. The court, therefore, **denies** his request to proceed *in forma pauperis*. Doc. 3.

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). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Plaintiff, however, 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, United States Court of Appeals for the Fifth Circuit, within 30 days of this order.

It is so ordered this 31st day of October, 2022.


Sam A. Lindsay
United States District Judge