

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

J L COX,

Plaintiff,

VS.

WILLIAM STEPHENS, *et al*,

Defendants.

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CIVIL ACTION NO. 2:13-CV-00151

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DENY PLAINTIFF'S APPLICATION
TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Pending before the Court is Plaintiff's Application to Proceed *in Forma Pauperis* (IFP) with respect to his appeal (D.E. 65). On September 9, 2015, United States Magistrate Judge Jason B. Libby issued a Memorandum and Recommendation to Deny Plaintiff's Application to Proceed IFP on Appeal (D.E. 67). Plaintiff filed his Objections (D.E. 68) on September 24, 2015.

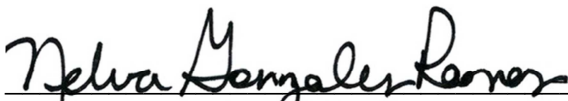
Plaintiff simply suggests that he has demonstrated good cause or excusable neglect regarding his application because his jailhouse lawyer was unable to timely prosecute his appeal, including this application, because he was placed in solitary confinement for two months, followed by an institutional lockdown of his unit for another month. Plaintiff does not demonstrate why he did not or could not timely proceed on his own or with help from another individual. Neither does Plaintiff attempt to show any exception to the jurisdictional limitations of this Court and the Fifth Circuit Court of Appeals related to

his untimely filings or correct his illegible trust account statement. He has not shown any defect in the Magistrate Judge's reasoning. His objections are **OVERRULED**.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Plaintiff's Objections, and all other relevant documents in the record, and having made a *de novo* disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Plaintiff's Objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Plaintiff's Application to Proceed IFP on Appeal (D.E. 65) is **DENIED**.

Plaintiff is advised that he has the right to appeal the denial of his application to proceed IFP on appeal. Plaintiff may challenge the finding that his appeal was not brought in good faith pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997) by filing a separate motion to proceed IFP on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this Court's Order.

ORDERED this 1st day of October, 2015.


NEELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE