

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**UNITED STATES OF AMERICA,**

**-vs-**

**Case No. 6:98-cr-91-41GJK**

**LEVONIA RIDLEY,**

**Defendant.**

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**REPORT AND RECOMMENDATION**

This cause came on for consideration without oral argument on the following motion:

**MOTION: PRO SE BELATED NOTICE OF APPEAL AND IN  
FORMA PAUPERIS WITH SWORN AFFIDAVIT  
(Doc. No. 227)**

**FILED: June 25, 2018**

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**THEREON it is RECOMMENDED that the motion be DENIED.**

On June 25, 2018, Levonia Ridley (“Defendant”), a federal prisoner, filed a document titled “Pro Se Belated Notice of Appeal and In Forma Pauperis with Sworn Affidavit” (the “Motion”). Doc. Nos. 226, 227.<sup>1</sup> Defendant does not specify the order that she is appealing. Doc. Nos. 226, 227. Instead, Defendant gives a procedural history of Defendant’s motion to reduce sentence and the Public Defender’s motion to withdraw. Doc. Nos. 226, 227. Defendant attaches to the Motion an email from Defendant to the Public Defender regarding whether the previous conviction was a qualifying prior conviction and whether Defendant was questioned by the Court

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<sup>1</sup> Document Number 226 and Document Number 227 are identical, but Document Number 226 was docketed as Defendant’s notice of appeal. Doc. Nos. 226, 227.

before the sentence enhancement was applied. Doc. No. 227 at 4.

“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). A petitioner demonstrates good faith when he seeks appellate review of any issue that is not frivolous. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). Defendant lists three orders in the Motion (the order denying Defendant’s motion to reduce sentence, the order denying Defendant’s motion for reconsideration of that order, and the order granting the Public Defender’s motion to withdraw), but Defendant fails to specify which order Defendant seeks to appeal and fails to identify any specific issue presented for appellate review. Thus, it is impossible to determine whether Defendant’s appeal is taken in good faith in pursuing a nonfrivolous issue.

Accordingly, it is recommended that the Motion (Doc. No. 227) be **DENIED**.

#### NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation’s factual findings and legal conclusions. Failure to file written objections waives that party’s right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. 11th Cir. R. 3-1.

**RECOMMENDED** in Orlando, Florida, on July 31, 2018.

  
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GREGORY J. KELLY  
UNITED STATES MAGISTRATE JUDGE

Copies to:

Presiding District Judge  
Counsel of record  
Unrepresented parties  
Courtroom Deputy