

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

UNITED STATES OF AMERICA,

-vs-

Case No. 6:11-cr-256-28GJK

JUAN MIRANDA-LARA,

Defendant.

REPORT AND RECOMMENDATION

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

**MOTION: MOTION TO PROCEED IN FORMA PAUPERIS
 (Doc. No. 213)**

FILED: December 18, 2017

THEREON it is RECOMMENDED that the motion be DENIED.

On December 18, 2017, Juan Miranda-Lara (“Defendant”), a federal prisoner, filed a motion for leave to appeal in forma pauperis (the “Motion”). Doc. No. 213. Defendant does not specify the order that he is appealing, but on November 24, 2017, he filed a Notice of Appeal of the Court’s Order denying his “Motion for Hardship Credit for Hardtime Served” (“Motion for Hardship Credit”). Doc. No. 209. In his Motion for Hardship Credit, Defendant asked that he be given two days’ credit for one day served for the time he was jailed at the Seminole County detention facility. Doc. No. 206 at 3. The Court denied the Motion for Hardship Credit for lack of jurisdiction. Doc. No. 208.

“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 has not shown that his appeal will present a non-frivolous issue. Accordingly, it is recommended that the Motion (Doc. No. 213) be **DENIED** and the Court certify that the appeal is not taken in good faith.

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. A party’s 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 January 16, 2018.



GREGORY J. KELLY
UNITED STATES MAGISTRATE JUDGE

Copies to:
Presiding District Judge
Counsel of record
Unrepresented parties
Courtroom Deputy