

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DOROTHY FISHER,

Plaintiff,

v.

Case No. 6:17-cv-574-Orl-37TBS

GREGORY WHITLOCK; and
AUTHORHOUSE, LLC,

Defendants.

ORDER

Plaintiff, proceeding *pro se*, returns seeking leave to proceed *in forma pauperis* on appeal a second time (Doc. 33 (“**IFP Motion**”)), as her first attempt was denied because she lacked a good faith basis to appeal and because her notice of appeal was time barred (*see* Docs. 26, 27, 28). On referral, U.S. Magistrate Judge Thomas B. Smith again recommends that the Court deny the IFP Motion for the same reasons: (1) no basis for a good faith appeal exists because Plaintiff failed to file a complaint that properly alleged subject matter jurisdiction over her claims despite multiple opportunities; and (2) any appeal by Plaintiff now is time barred. (Doc. 34 (“**R&R**”).)

The parties did not object to the R&R, and the time for doing so has now passed. As such, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). Finding no such error, the Court finds that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 34) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Court certifies that Plaintiff's appeal is not taken in good faith.
3. Plaintiff's motion for leave to proceed *in forma pauperis* on appeal (Doc. 33) is **DENIED**.
4. Plaintiff is cautioned that any future motions to proceed *in forma pauperis* on appeal will be deleted from the docket and returned to her without consideration. Plaintiff has twice been given the opportunity to object to the recommendations for the denial of her motions to proceed *in forma pauperis* on appeal and has failed to do so. She cannot circumvent the proper avenues to raise her challenges to these denials by filing new motions.

DONE AND ORDERED in Chambers in Orlando, Florida, on February 20, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:

Pro Se Party