

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

DELORIS PHILLIPS,

Plaintiff,

v.

**DALLAS COUNTY COLLEGE
COMMUNITY DISTRICT, *et al.*,**

Defendant.

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Civil Action No. **3:15-CV-3933-L**

ORDER

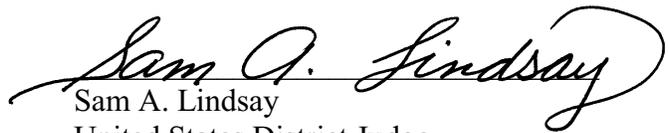
Before the court are Plaintiff's Application to Proceed In Forma Pauperis on Appeal (Doc. 14), filed January 12, 2016, and Plaintiff's Expedited Emergency Motion to Reconsider Denied Motion to Proceed In Forma Pauperis (Doc. 16), filed January 17, 2016. On January 13, 2016, Magistrate Judge Irma Carrillo Ramirez entered Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") recommending that the court deny Plaintiff's Application to Proceed In Forma Pauperis on Appeal because the appeal is not taken in good faith. Thereafter, Plaintiff moved for reconsideration of the magistrate judge's recommendation, which the court construes as Plaintiff's objections to the Report.

In a prior order, the court noted that Plaintiff "has been deemed a pernicious, abusive, and vexatious litigant by the United States Court of Appeals for the Fifth Circuit and by this Court." Order 1 (Doc. 7). The court also determined that Plaintiff's claims and allegations in this case are factually frivolous and delusional. The court, therefore, directed the clerk of the court to administratively close this action. Based on the court's familiarity with this case, and after reviewing the Report and Plaintiff's motions and objections, and having conducting a de novo review of that

portion of the Report to which objection was made, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **denies** Plaintiff's Application to Proceed In Forma Pauperis on Appeal (Doc. 14) and **overrules** her objections to the Report (Doc. 16).

Pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the court **certifies** that Plaintiff's Application to Proceed In Forma Pauperis on Appeal and her objections to the Report are not taken in good faith. In support of this certification, the court **incorporates by reference** the Report (Doc. 15) and the court's prior order dated December 14, 2015 (Doc. 7). Based on the Report and the court's December 14, 2015 order, the court **concludes** that Plaintiff's appeal presents no legal points of arguable merit and is, therefore, frivolous. Although the court has certified that the appeal is not taken in good faith under 28 U.S. C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), Plaintiff 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 27th day of January, 2016.


Sam A. Lindsay
United States District Judge