

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

NEIL J. GILLESPIE,

Plaintiff,

-vs-

Case No. 5:10-cv-503-Oc-10TBS

THIRTEENTH JUDICIAL CIRCUIT,
FLORIDA, et al.,

Defendants.

ORDER

Upon due consideration, the *pro se* Plaintiff's Motion to Amend the Judgment (Doc. 68) is DENIED. The Plaintiff's Affidavit of Indigency, which the Court construes as a Motion for Leave to Appeal *In Forma Pauperis* (Doc. 67) is also DENIED. Pursuant to 28 U.S.C. §1915(a)(3), "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." See also Fed. R. App. P. 24. For the reasons stated in the Court's February 27, 2012 Order (Doc. 64), it is clear that the Plaintiff's Complaint was deficient for several reasons, including a failure to establish subject matter jurisdiction, and therefore dismissal was necessary and appropriate. As such, any appeal of the Court's dismissal of the Complaint would be legally frivolous, and the Court hereby certifies that the Plaintiff's appeal has not been taken in good faith.

IT IS SO ORDERED.

DONE and ORDERED at Ocala, Florida this 29th day of March, 2012.



UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record
Neil J. Gillespie, *pro se*