

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

MAY - 7 2012

JOHN LEY
CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-11028-B

ESTATE OF PENELOPE GILLESPIE,
NEIL J. GILLESPIE,
Personal Representative of the Estate, Survivor,

Plaintiffs-Appellants,

versus

THIRTEENTH JUDICIAL CIRCUIT, FLORIDA,
HON. JAMES M. BARTON, II,
Circuit Court Judge, and individually,
THE LAW OFFICE OF ROBERT W. BAUER, P.A.,
ROBERT W. BAUER,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

ORDER:

The motion by the appellants for leave to proceed on appeal *in forma pauperis* is DENIED because the appeal is frivolous. *See Pace v. Evans*, 709 F.2d 1428, 1429 (11th Cir. 1983). The motion to consolidate with appeal no. 12-11213 is DENIED. The motion for appointment of counsel is DENIED. The motion to toll time is DENIED. All other motions will be addressed by later order of the Court.

/s/ Charles R. Wilson
UNITED STATES CIRCUIT JUDGE

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms visit
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May 07, 2012

Neil J. Gillespie
8092 SW 115TH LOOP
OCALA, FL 34481

Appeal Number: 12-11028-B
Case Style: Estate of Penelope Gillespie, et al v. Thirteenth Judicial Circuit, F, et al
District Court Docket No: 5:11-cv-00539-WTH-TBS

The following action has been taken in the referenced case:

The enclosed order has been ENTERED.

Pursuant to Eleventh Circuit Rule 42-1(b) you are hereby notified that upon expiration of fourteen (14) days from this date, this appeal will be dismissed by the clerk without further notice unless you pay to the DISTRICT COURT clerk the \$450 docket and \$5 filing fees (total of \$455), with notice to this office.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Melanie Gaddis, B
Phone #: (404) 335-6187

MOT-2 Notice of Court Action