

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

CURTIS J. NEELEY, JR.

PLAINTIFF

v.

Civil No. 12-5208

FEDERAL COMMUNICATIONS COMMISSION;  
MICROSOFT CORPORATION; and  
GOOGLE INC.

DEFENDANTS

O R D E R

Now on this 1st day of March 2013, comes on for consideration plaintiff's **Application to Proceed on Appeal of the District Court Ruling without Prepaying Fees or Costs** (document #61). The Court, being well and sufficiently advised, finds and orders as follows:

1. On February 15, 2013, this Court entered an Order dismissing this case for failure to state a claim upon which relief can be granted and for lack of subject-matter jurisdiction. The Order further granted defendant Google Inc.'s motion for sanctions against plaintiff, finding that plaintiff violated Fed. R. Civ. P. 11 by filing repeated frivolous lawsuits regarding the same facts and circumstances.

2. Plaintiff has filed a notice of appeal from that Order and seeks to proceed with the appeal in forma pauperis.

3. "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).

4. As was discussed in detail in the February 15, 2013

Order, all of plaintiff's claims were subject to dismissal, and the Court specifically found the claims to be frivolous. Accordingly, any appeal would not be taken in good faith.

**IT IS THEREFORE ORDERED** that plaintiff's **Application to Proceed on Appeal of the District Court Ruling without Prepaying Fees or Costs** (document #61) is hereby **denied**. Plaintiff may renew his motion for leave to appeal in forma pauperis with the Court of Appeals for the Eighth Circuit. See Fed. R. App. P. 24(a)(5).

**IT IS SO ORDERED.**

/s/ Jimm Larry Hendren  
**JIMM LARRY HENDREN**  
**UNITED STATES DISTRICT JUDGE**