

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

**CURTIS J. NEELEY, JR.**

**PLAINTIFF**

**v.**

**CASE NO. 5:14-CV-05135**

**5 FEDERAL COMMUNICATIONS  
COMMISSIONERS; FCC CHAIRMAN TOM  
WHEELER; U.S. ATTORNEY GENERAL  
ERIC HOLDER; MICROSOFT CORPORATION;  
and GOOGLE, INC.**

**DEFENDANTS**

**AMENDED AND SUBSTITUTED ORDER**

The following amends and substitutes the Order Adopting the Report and Recommendation (Doc. 35) entered on October 9, 2014:

Currently before the Court is the Report and Recommendation (“R & R”) (Doc. 32) of the Honorable Erin L. Setser, United States Magistrate Judge for the Western District of Arkansas, filed in this case on September 23, 2014, regarding Plaintiff Curtis J. Neeley, Jr.’s Application to Proceed on Appeal without Prepaying Fees or Costs (Doc. 30). After careful review of the R & R, Plaintiff’s Objections (Docs. 33 and 34), and a *de novo* review of the record, the Court finds that Defendant’s objections offer neither law nor fact requiring departure from the Magistrate’s findings. Accordingly, the R & R should be, and hereby is **ADOPTED**.

On August 5, 2014, this Court dismissed Plaintiff’s Complaint with prejudice because it was filed in violation of the Court’s Injunction Order, it was barred by res judicata, and it otherwise failed to state a claim for relief. Plaintiff now seeks to appeal *in forma pauperis* (“IFP”) the judgment, the Court’s Order on his Motion for Reconsideration

(Doc. 25), and the Court's award of attorneys' fees (Doc. 27). Plaintiff's request to proceed IFP is not taken in good faith and will be denied. Plaintiff may renew his motion for leave to appeal IFP with the Court of Appeals for the Eighth Circuit pursuant to Fed. R. App. P. 24(a)(5).

**IT IS THEREFORE ORDERED** that Plaintiff's Application to Proceed on Appeal Without Prepaying Fees or Costs with Affidavit (Doc. 30) is **DENIED**.

**IT IS SO ORDERED** this 10th day of October, 2014.

/s/ Timothy L. Brooks

TIMOTHY L. BROOKS

UNITED STATES DISTRICT JUDGE