

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION  
CASE NO: 00-14202-CIV-GRAHAM/LYNCH

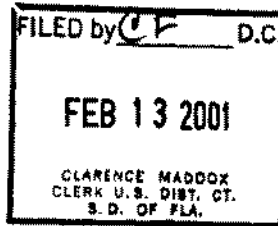
MARCELLUS M. MASON, Jr.,

Plaintiff

vs.

HEARTLAND LIBRARY COOPERATIVE,

Defendant.



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ORDER

**THIS CAUSE** came before the Court upon Plaintiff's Appeal to District Judge Graham of Magistrate Judge's Order (D.E. #19).<sup>1</sup>

On January 5, 2001, the Honorable United States Magistrate Judge Frank J. Lynch issued an order denying Plaintiff's Motion to Proceed In Forma Pauperis on Appeal to the Eleventh Circuit Court of Appeals. Plaintiff Appeals this ruling.

After careful review of the file and the pertinent portions of the record, the Court finds that Magistrate Judge Lynch's ruling is not clearly erroneous nor is it contrary to law. See Fed. R. Civ. P. 72; see also Cooper-Houston v. Southern Railway Company, 37 F.3d 603 (11th Cir. 1994). Accordingly, it is

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<sup>1</sup> Plaintiff refers to his pleading as "Objections to Court Order Denying Plaintiff In Forma Pauperis Motion To Proceed On Appeal to the 11th Circuit (D.E. #19) and Notice of Withdrawl of Appeal." Because Magistrate Judge Lynch issued an order on Plaintiff's Motion to Proceed In Forma Pauperis, and not a report and recommendation, the Court will treat Plaintiff's objections as an appeal.

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ORDERED AND ADJUDGED that United States Magistrate Judge Lynch's Order dated January 5, 2001 is hereby RATIFIED, AFFIRMED AND APPROVED in its entirety, and based thereon, Plaintiff's appeal DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this 13<sup>th</sup> day of February, 2001.



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DONALD L. GRAHAM  
UNITED STATES DISTRICT JUDGE

Magistrate Judge Lynch  
Marcellus Mason, Jr.  
Maria Sorolis, Esq.