

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

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

David J. Smith
Clerk of Court

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July 15, 2019

Clerk - Southern District of Florida
U.S. District Court
400 N MIAMI AVE
MIAMI, FL 33128-1810

Appeal Number: 19-10330-A
Case Style: Margaret Guevara v. Mark Padin, et al
District Court Docket No: 1:16-cv-23726-DPG

The enclosed copy of the Clerk's Entry of Dismissal for failure to prosecute in the above referenced appeal is issued as the mandate of this court. See 11th Cir. R. 41-4.

All pending motions are now rendered moot in light of the attached order.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Denise E. O'Guin, A
Phone #: (404) 335-6188

Enclosure(s)

DIS-2 Letter and Entry of Dismissal

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-10330-A

MARGARET GUEVARA,
a.k.a. Depass Padin,

Plaintiff - Appellant,

versus

MARK PADIN,
KIMBERLY MONTGOMERY,
individually and as agent of Miami-Dade State Attorney's Office,
KIMBERLY,
individually and as agent of Miami-Dade State Attorney's Office,
JOSE LOPEZ,
Supervisor, individually and as agent of Miami-Dade State Attorney's Office,
STEPHANIE JOHNSON,
Administrative Secretary, individually and as agent of the Eleventh Judicial Circuit,
Child Support Enforcement, et al.,

Defendants - Appellees.

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

ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Margaret Guevara has failed to pay the filing and docketing fees to the district court within the time fixed by the rules, effective July 15, 2019.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

by: Denise E. O'Guin, A, Deputy Clerk

FOR THE COURT - BY DIRECTION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 16-cv-23726-GAYLES

**MARGARET GUEVARA a/k/a
DEPASS PADIN,**
Plaintiff,

v.

MARK PADIN, et al.,
Defendants.

ORDER DENYING MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

THIS CAUSE comes before the Court on the Plaintiff's Motion for Leave to Appeal *in forma pauperis* [ECF No. 29]. The Court has reviewed the motion, the record in this case, and the applicable law, and is otherwise fully advised in the premises.

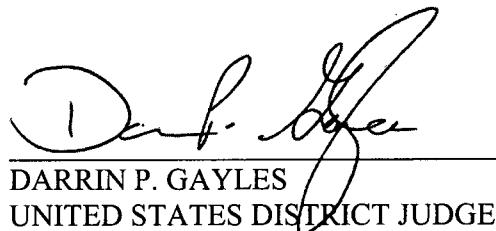
An appeal cannot be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). Good faith must be judged by an objective standard. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). A party does not proceed in good faith when she seeks to advance a frivolous claim or argument. *See id.* at 445-46. An action is frivolous and, thus, not brought in good faith, if it is "without arguable merit either in law or fact." *Napier v. Preslicka*, 314 F.3d 528, 531 (11th Cir. 2002). And a claim is "arguable" for these purposes if it is "capable of being convincingly argued." *Sun v. Forrester*, 939 F.2d 924, 925 (11th Cir. 1991) (per curiam) (citation omitted).

In its Orders denying the Plaintiff's Emergency Petition for Permanent Injunction [ECF No. 12], Motion for Leave to Appeal *in forma pauperis* [ECF No. 22], and Second Amended Emergency Petition for Permanent Injunction [ECF No. 27], the Court found that the Plaintiff could not bring this lawsuit under either federal question jurisdiction, 28 U.S.C. § 1331, or diver-

sity jurisdiction, 28 U.S.C. § 1332. Thus, the Court concludes that there are no arguable, non-frivolous issues to raise on appeal, and an appeal would not be taken in good faith. It is therefore

ORDERED AND ADJUDGED that the Plaintiff's Motion for Leave to Appeal *in forma pauperis* [ECF No. 29] is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 29th day of January, 2019.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE