

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Sanjeev Lath

v.

Civil No. 16-cv-463-LM  
Opinion No. 2017 DNH 197

Oak Brook Condominium Owners'  
Association et al.

**REPORT AND RECOMMENDATION**

Before the court is plaintiff Sanjeev Lath's motion (Doc. No. 209), seeking to proceed in forma pauperis in his appeal of the August 7, 2017 Order (Doc. No. 204). Lath's appeal concerns that Order's establishment of a procedure restricting the filing of motions in this action. See Not. Appeal (Doc. No. 210).

In determining whether an applicant may proceed on appeal in forma pauperis, pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a), this court considers, among other things, the applicant's objective good faith. See 28 U.S.C. § 1915(a)(3); Coppedge v. United States, 369 U.S. 438, 445 (1962). An appeal that lacks any rational, arguable basis in law or fact is deemed to be lacking in objective good faith. See Santiago-Lugo v. United States, 94 F. Supp. 3d 156, 158 (D.P.R. 2015).

The August 7 Order (Doc. No. 204), in pertinent part, is a procedural order. It is not reviewable under 28 U.S.C. § 1291 or § 1292(a), and it is not properly certified for interlocutory review under 28 U.S.C. § 1292(b). Lath's appeal of that order

is not grounded in any arguable basis in law or fact. Lath's motion to proceed in forma pauperis on appeal (Doc. No. 209) should be denied. See 28 U.S.C. § 1915(a)(3).

Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). The fourteen-day period may be extended upon motion. Failure to file specific written objections to the Report and Recommendation within the specified time waives the right to appeal the district court's order. See Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016).



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Andrea K. Johnstone  
United States Magistrate Judge

September 19, 2017

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