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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Weltha J. Jones-Rankins,
10 Plaintiff,

No. CV-12-02360-PHX-DGC

ORDER

11 v.

12 Cardinal Health, Inc., et al.,
13 Defendants.

14 The Ninth Circuit has asked for this Court's determination of whether Plaintiff's *in*
15 *forma pauperis* ("IFP") status should continue on appeal or whether her appeal is
16 frivolous or taken in bad faith. *See* Doc. 34; 28 U.S.C. § 1915(a)(3); *see also Hooker v.*
17 *American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of IFP status is
18 appropriate where district court finds the appeal to be frivolous).

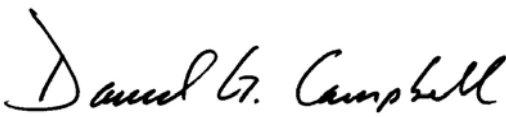
19 Under 28 U.S.C. § 1915(a)(3), an appeal is taken in "good faith" so long as it
20 seeks review of any issue that is not "frivolous." *See Coppedge v. United States*, 369
21 U.S. 438, 444-45 (1962); *Gardner v. Pogue*, 558 F.2d 548, 551 (9th Cir. 1977). An issue
22 is frivolous if it has "no arguable basis in fact or law." *O'Loughlin v. Doe*, 920 F.2d 614,
23 617 (9th Cir. 1990).

24 The Court found Plaintiff's claims in this case to be barred by *res judicata*.
25 Docs. 28, 31. For reasons stated in the Court's orders (Docs. 28, 31), the Court views
26 this conclusion as a clearly correct, and finds that Plaintiff's position to the contrary has
27 no arguable basis in fact or law. As a result, the Court concludes that Plaintiff's appeal is
28 frivolous and that her IFP's status should not continue for purposes of appeal.

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IT IS ORDERED that Plaintiff's IFP status is revoked. The Clerk should promptly transmit this order to the Ninth Circuit, noting appellate case number 13-16486.

Dated this 25th day of July, 2013.



David G. Campbell
United States District Judge