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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

CARLA THOMAS,

Plaintiff,

vs.

UNITED STATES COURTHOUSE,
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendants.

No. CIV 10-596-TUC-CKJ

ORDER

On October 18, 2011, the Ninth Circuit Court of Appeals referred this matter to this Court for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith. The applicable statute states that an "appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1015(a)(3).

Plaintiff Carla Thomas ("Thomas ") filed her Complaint on October 1, 2010. Thomas was granted in forma pauperis status on December 7, 2010. An Answer was filed on February 23, 2011, and the Administrative Record was filed on February 24, 2011.

On February 28, 2011, Magistrate Judge Glenda E. Edmonds issued a Social Security Scheduling Order in which she directed Thomas to file an opening brief within sixty (60) days from the filing of the answer and record. Thomas did not file an opening brief.

On May 10, 2011, Magistrate Judge Edmonds ordered Thomas to show cause why this case should not be dismissed for failure to comply with the court's scheduling order. On

1 May 17, 2011, Thomas field a response and, on June 3, 2011, Magistrate Judge Edmonds
2 ordered as follows:

3 Pursuant to this court's scheduling order issued on February 28, 2011, the plaintiff,
4 Carla Thomas, shall file by July 15, 2011, her opening brief explaining "why the
5 Commissioner's decision is not supported by substantial evidence or why the decision
6 should otherwise be reversed or the case remanded." LRCiv. 16.1[.] If Thomas fails
7 to file a timely opening brief, this action may be dismissed without further notice to
8 the plaintiff. Fed.R.Civ.P. 16 (f)(1)(C).

9 Doc. 18. Thomas did not file an opening brief.

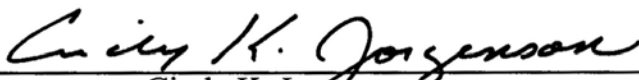
10 On August 9, 2011, this Court issued an Order dismissing this case; judgment was
11 entered.

12 Thomas having twice failed to file an opening brief or request an extension within the
13 time set by the magistrate judge, this Court finds the appeal is frivolous or taken in bad faith.

14 Accordingly IT IS ORDERED Thomas in forma pauperis status is REVOKED.

15 IT IS FURTHER ORDERED the Clerk of the Court shall notify the appellate court
16 of this ruling.

17 DATED this 20th day of October, 2011.

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20 Cindy K. Jorgenson
21 United States District Judge
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