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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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8   ALFRED BROWN,   CASE NO. 1:10-cv-00167-AWI-DLB PC

9   Plaintiff,   ORDER REVOKING PLAINTIFF'S IN
                                                         FORMA PAUPERIS STATUS ON APPEAL
10   v.

11   CHARLES D. PICKETT, et al.,

12   Defendants.

13   _____/

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15   Plaintiff Alfred Brown ("Plaintiff") is a prisoner in the custody of the California

16   Department of Corrections and Rehabilitation. Plaintiff was proceeding pro se and in forma

17   pauperis in this civil rights action. Plaintiff initiated this action by filing his complaint on

18   December 31, 2009. On October 12, 2010, Plaintiff's complaint was dismissed with leave to

19   amend. On September 23, 2011, Plaintiff filed his first amended complaint. On April 30, 2012,

20   the Court dismissed this action for failure to state a claim. Plaintiff subsequently filed a notice of

21   appeal on May 16, 2012.   Doc. 33.

22   Pursuant to 28 U.S.C. § 1915(a)(3), "[a]n appeal may not be taken in forma pauperis if

23   the trial court certifies in writing that it is not taken in good faith." *See Hooker v. American*

24   *Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of forma pauperis status is appropriate

25   where district court finds the appeal to be frivolous). The Court finds that Plaintiff's appeal is

26   not taken in good faith. Plaintiff's allegations failed to state a claim. Plaintiff seeks enforcement

27   of a settlement agreement for which the district court does not have jurisdiction. Plaintiff also

28   failed to state a claim for deliberate indifference to a serious medical need. Plaintiff's allegations

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failed to demonstrate that Defendants Does 1 through 3, Arroyo, Robbins, Duvall, or McGuinness knew of and disregarded an excessive risk of serious harm to Plaintiff.

Accordingly, Plaintiff's appeal is not taken in good faith, and is frivolous. Plaintiff's in forma pauperis status is HEREBY ORDERED revoked for purposes of his appeal.

IT IS SO ORDERED.

Dated: August 3, 2012

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CHIEF UNITED STATES DISTRICT JUDGE