

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

STEVE WILHELM,

Plaintiff,

v.

ANTHONY ENENMOH, et al.,

Defendants.

CASE NO. 1:10-CV-01663-DLB PC

ORDER REVOKING PLAINTIFF’S IN
FORMA PAUPERIS STATUS ON APPEAL

_____ /

Plaintiff Steve Wilhelm (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation. Plaintiff was proceeding pro se and in forma pauperis in this civil rights action. Plaintiff initiated this action by filing his complaint on September 14, 2010. On May 6, 2011, the Court dismissed this action for failure to state a claim. Plaintiff subsequently filed a notice of appeal on May 25, 2011. Doc. 9.

Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” The Court finds that Plaintiff’s appeal is not taken in good faith. Plaintiff’s allegations failed to state a claim. Plaintiff alleged at most a difference of medical opinion between an inmate and a medical professional, which is not a cognizable Eighth Amendment claim. *Toguchi v. Chung*, 391 F.3d 1051, 1057 (9th Cir. 2004). Plaintiff’s allegations against Defendants who participated solely in the inmate grievance process fails to state a claim, as there is no liberty interest in a specific inmate grievance procedure. *Ramirez v. Galaza*, 334 F.3d 850, 860 (9th Cir. 2003). Plaintiff also failed to make specific allegations regarding one Defendant, which fails to state a claim.

