

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROXANNE ARI,

Plaintiff,

v.

J. ALLEN,

Defendant.

CASE NO. 1:10-CV-01733-LJO-DLB PC

ORDER REVOKING PLAINTIFF'S IN
FORMA PAUPERIS STATUS ON APPEAL

Plaintiff Roxanne Ari ("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 her complaint on September 22, 2010. On April 25, 2011, the Magistrate Judge assigned to this action issued a Findings and Recommendations recommending of this action for failure to state a claim. Plaintiff filed her objections on May 16, 2011. On May 18, 2011, the Court dismissed this action for failure to state a claim. Plaintiff subsequently filed a notice of appeal on June 7, 2011. Doc. 23.

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." *See also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of in forma pauperis status is appropriate where district court finds the appeal to be frivolous). The Court finds that Plaintiff's appeal is not taken in good faith. Plaintiff's allegations failed to state a claim. The unauthorized deprivation of property is not a due process violation if there is a meaningful post-deprivation

1 remedy provided. *Hudson v. Palmer*, 468 U.S. 517, 533 (1984). Plaintiff in her objections
2 acknowledged that a post-deprivation remedy exists, but provided a nonsensical explanation as
3 to why it would have been futile. The Court finds her arguments to be frivolous.

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

6 IT IS SO ORDERED.

7 **Dated: June 14, 2011**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE