

1
2 **UNITED STATES DISTRICT COURT**

3 EASTERN DISTRICT OF CALIFORNIA

4 RAYMOND ALFORD BRADFORD,

Case No. 1:11-cv-00990-AWI-SKO (PC)

5 Plaintiff,

**NOTICE AND ORDER FINDING THAT
PLAINTIFF IS NOT ENTITLED TO
PROCEED IN FORMA PAUPERIS ON
THE APPEAL FILED APRIL 27, 2015**

6 v.

7 I. VELLA-LOPEZ, et al.,

**ORDER DIRECTING CLERK'S OFFICE
TO SERVE COPY OF ORDER ON NINTH
CIRCUIT**

8 Defendants.

9
10 (Doc. 105)

11 _____ /
12
13 Plaintiff Raymond Alford Bradford ("Plaintiff"), a state prisoner proceeding pro se and in
14 forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 25, 2011. This
15 action was proceeding on Plaintiff's second amended complaint, filed on January 31, 2014,
16 against Defendants Brooks, Yu, and Peppercorn for violating Plaintiff's right to adequate medical
17 care under the Eighth Amendment of the United States Constitution. Plaintiff is currently
18 incarcerated at Kern Valley State Prison, and his claims arose from events that occurred at
19 California State Prison-Corcoran in July and August 2012 with respect to his medical care. This
20 action was dismissed on April 13, 2015, and Plaintiff filed a notice of appeal on April 27, 2015.

21 Pursuant to the Federal Rules of Appellate Procedure,

22 A party who was permitted to proceed in forma pauperis in the district-court action
23 . . . may proceed on appeal in forma pauperis without further authorization, unless:
24 (A) the district court - before or after the notice of appeal is filed - certifies that the
25 appeal is not taken in good faith or finds that the party is not otherwise entitled to
26 proceed in forma pauperis and states in writing its reasons for the certification or
27 finding;
28 or
(B) a statute provides otherwise.

26 Fed. R. App. P. 24(a)(3).

27 The district clerk must immediately notify the parties and the court of appeals
28 when the district court does any of the following:
(A) denies a motion to proceed on appeal in forma pauperis;

1 (B) certifies that the appeal is not taken in good faith; or
2 (C) finds that the party is not otherwise entitled to proceed in forma pauperis.

3 Fed. R. App. P. 24(a)(4).

4 28 U.S.C. § 1915 governs proceedings in forma pauperis. Section 1915(g) provides that
5 “[i]n no event shall a prisoner bring a civil action . . . under this section if the prisoner has, on 3 or
6 more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in
7 a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or
8 fails to state a claim upon which relief may be granted, unless the prisoner is under imminent
9 danger of serious physical injury.” Plaintiff has been subject to section 1915(g) for more than ten
10 years, and while the appellate court determined he was entitled to proceed in forma pauperis in
11 this action in the district court, he remains subject to section 1915(g) on appeal. *Williams v.*
12 *Paramo*, 775 F.3d 1182, 1190 (9th Cir. 2014). The Court finds that Plaintiff has not met the
13 imminent danger exception to section 1915(g) and therefore, he is not entitled to proceed in forma
14 pauperis on appeal. Fed. R. App. P. 24(a)(4)(C); *Williams*, 775 F.3d at 1190.

15 Accordingly, it is HEREBY ORDERED that:

- 16 1. Pursuant to 28 U.S.C. § 1915(g), Plaintiff is not entitled to proceed in forma
17 pauperis on the appeal filed on April 27, 2015;
- 18 2. Pursuant to Federal Rule of Appellate Procedure 24(a)(4)(C), this order serves as
19 notice to the parties and the United States Court of Appeals for the Ninth Circuit of
20 the finding that Plaintiff is not entitled to proceed in forma pauperis for this appeal;
21 and
- 22 3. The Clerk of the Court shall serve a copy of this order on the parties and the United
23 States Court of Appeals for the Ninth Circuit.

24 IT IS SO ORDERED.

25 Dated: April 30, 2015

26 
27 _____
28 SENIOR DISTRICT JUDGE