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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER L. HARRIS,
Plaintiff,

v.

DONALD O’KEEFE; and
U.S. MARSHALL,
Defendants.

CASE NO. 1:11-CV-01553-LJO-DLB PC
ORDER REVOKING PLAINTIFF’S IN
FORMA PAUPERIS STATUS ON APPEAL

Plaintiff Christopher L. Harris (“Plaintiff”), a federal prisoner, 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. He filed a First Amended Complaint on September 19, 2011.

On September 27, 2011, the Magistrate Judge assigned to this action issued a Findings and Recommendation recommending dismissal of this action for failure to state a claim. Plaintiff filed his objections on October 7, 2011. On October 19, 2011, the Court dismissed this action for failure to state a claim. Plaintiff subsequently filed a notice of appeal on November 4, 2011.

Doc. 30.

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. Plaintiff was criminally convicted and fined. His belief that depositing a promissory note for the fine should

1 discharge his criminal sentence is mistaken. Plaintiff submitted objections, contending that he
2 sought mandamus relief to order the United States Marshal to deposit Plaintiff's promissory note,
3 to file a satisfaction of judgment or release of lien, to discharge the fine and to return Plaintiff to
4 the domicile of his choice. Plaintiff also contends that the Court approved and deposited his
5 promissory note. The Court finds Plaintiff's contentions to be frivolous and lacking merit.

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

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IT IS SO ORDERED.

Dated: November 9, 2011

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