

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MICHAEL ANTHONY TODD,

Case No. 1:12-cv-01003-DAD-BAM (PC)

Plaintiff,

ORDER DENYING MOTION FOR LEAVE  
TO PROCEED IN FORMA PAUPERIS AS  
MOOT

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION,  
et al.,

(ECF No. 83)

Defendants.

On August 7, 2017, the Court dismissed Defendants Indermill, Albitre and Carron from this action on qualified immunity grounds. (ECF No. 79.) On August 28, 2017, Plaintiff filed a notice of appeal regarding the dismissal, which was processed to the United States Court of Appeals for the Ninth Circuit. (ECF Nos. 80, 81.) Subsequently, on September 1, 2017, Plaintiff filed a motion to proceed in forma pauperis on the appeal. (ECF No. 83.) Before the motion was addressed, the Ninth Circuit dismissed Plaintiff's appeal for lack of jurisdiction. (ECF No. 87.) Accordingly, Plaintiff's motion to proceed in forma pauperis on appeal is HEREBY DENIED as moot.

IT IS SO ORDERED.

Dated: September 28, 2017/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE