

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL McNEIL,

Plaintiff,

vs.

ORTIZ SUNGH, M.D., *et al*,

Defendant.

Case No. 1:12-cv-01005-RRB

**ORDER REVOKING
IN FORMA PAUPERIS
[Re: Motion at Docket 13]**

At Docket 13 Plaintiff Michael McNeil, a state prisoner appearing *pro se* and *in forma pauperis*, filed a request to proceed *in forma pauperis* on appeal. This Court approved McNeil's request to proceed IFP before this Court.¹ This Court, having fully considered the matter, finds that reasonable jurists could not disagree with this Court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further. Accordingly, the appeal is frivolous or taken in bad faith.²

¹ Docket. 4.

² 28 U.S.C. § 1915(a)(3); *see Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of *in forma pauperis* status is appropriate if the appeal is frivolous).

IT IS THEREFORE ORDERED that Plaintiff's *in forma pauperis* status is hereby
REVOKED.

IT IS SO ORDERED this 29th day of May, 2013.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE