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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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9 ERIC K'NAPP, ) 1:13-cv-0099-AWI-BAM (PC)  
10 )  
11 Plaintiff, ) Appeal No. 15-15435  
12 )  
13 vs. ) ORDER REVOKING IN FORMA  
14 CALIF. DEPT. OF CORRECTIONS AND ) PAUPERIS STATUS  
15 REHABILITATION, et al., )  
16 Defendants. )  
17

18 By notice entered March 10, 2015, the United States Court of Appeals for the Ninth  
19 Circuit referred this matter to the District Court for the limited purpose of determining whether  
20 in forma pauperis status should continue for this appeal or whether the appeal is frivolous or  
21 taken in bad faith. *See* 28 U.S.C. § 1915(a)(3); see also Hooker v. American Airlines, 302 F.3d  
22 1091, 1092 (9th Cir. 2002) (revocation of in forma pauperis status is appropriate where the  
23 District Court finds the appeal to be frivolous).

24 Permitting litigants to proceed in forma pauperis is a privilege, not a right. Franklin v.  
25 Murphy, 745 F.2d 1221, 1231 (9th Cir. 1984); Williams v. Field, 394 F.2d 329, 332 (9th Cir.,  
26 cert. denied, 393 U.S. 891 (1968); Williams v. Marshall, 795 F.Supp. 978, 978-79 (N.D. Cal.  
27 1992). A federal court may dismiss a claim filed in forma pauperis prior to service if it is  
28 satisfied that the action is frivolous or malicious. 28 U.S.C. § 1915(e)(2); see Sully v. Lungren,  
842 F.Supp. 1230, 1231 (N.D. Cal. 1994). If a plaintiff with in forma pauperis status brings a  
case without arguable substance in law and fact, the court may declare the case frivolous.

1 Franklin, 745 F.2d at 1227. Plaintiff is appealing the Court's initial screening order, which  
2 found that Plaintiff's complaint failed to comply with the pleading requirements of Federal Rules  
3 of Civil Procedure 8 and 18. Although the Court granted Plaintiff leave to amend to cure the  
4 identified deficiencies, Plaintiff instead opted to file objections to the screening order and then to  
5 proceed directly to an appeal.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The appeal is declared frivolous and not taken in good faith;
- 8 2. Pursuant to 28 U.S.C. § 1915(a)(3), Plaintiff is not entitled to proceed *in forma*  
9 *pauperis* in Appeal No. 15-15435, filed March 9, 2015;
- 10 3. Pursuant to Federal Rule of Appellate Procedure 24(a)(4), this Order serves as notice  
11 to the parties and the United States Court of Appeals for the Ninth Circuit of the  
12 finding that Plaintiff is not entitled to proceed *in forma pauperis* for this appeal; and
- 13 4. The Clerk of the Court is directed to serve a copy of this Order on Plaintiff and the  
14 United States Court of Appeals for the Ninth Circuit.

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16 IT IS SO ORDERED.

17 Dated: March 19, 2015

  
18 SENIOR DISTRICT JUDGE