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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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9 ARCHIE CRANFORD,) 1:13-cv-00763-BAM (PC)
10 Plaintiff,) Appeal No. 14-17100
11 vs.) ORDER REVOKING IN FORMA
12 SAMANTHA PERRYMAN, et al.,) PAUPERIS STATUS
13 Defendants.) (ECF No. 36)
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15 By notice entered November 4, 2014, the United States Court of Appeals for the Ninth
16 Circuit referred this matter to the District Court for the limited purpose of determining whether
17 in forma pauperis status should continue for this appeal or whether the appeal is frivolous or
18 taken in bad faith. *See* 28 U.S.C. § 1915(a)(3); *see also Hooker v. American Airlines*, 302 F.3d
19 1091, 1092 (9th Cir. 2002) (revocation of in forma pauperis status is appropriate where the
20 District Court finds the appeal to be frivolous).

21 Permitting litigants to proceed in forma pauperis is a privilege, not a right. *Franklin v.*
22 *Murphy*, 745 F.2d 1221, 1231 (9th Cir. 1984); *Williams v. Field*, 394 F.2d 329, 332 (9th Cir.,
23 cert. denied, 393 U.S. 891 (1968); *Williams v. Marshall*, 795 F.Supp. 978, 978-79 (N.D. Cal.
24 1992). A federal court may dismiss a claim filed in forma pauperis prior to service if it is
25 satisfied that the action is frivolous or malicious. 28 U.S.C. § 1915(e)(2); *see Sully v. Lungren*,
26 842 F.Supp. 1230, 1231 (N.D. Cal. 1994). If a plaintiff with in forma pauperis status brings a
27 case without arguable substance in law and fact, the court may declare the case frivolous.
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1 *Franklin*, 745 F.2d at 1227. By its order dismissing this action, the Court found that Plaintiff
2 was unable to state a cognizable claim despite multiple attempts and that Plaintiff had changed
3 the nature of his suit in his amended complaint. (ECF No. 30.)

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. This matter is declared frivolous;
- 6 2. Pursuant to 28 U.S.C. § 1915(a)(3), Plaintiff is not entitled to proceed *in forma*
7 *pauperis* in Appeal No. 14-17100, filed October 27, 2014;
- 8 3. Pursuant to Federal Rule of Appellate Procedure 24(a)(4), this Order serves as notice
9 to the parties and the United States Court of Appeals for the Ninth Circuit of the
10 finding that Plaintiff is not entitled to proceed *in forma pauperis* for this appeal; and
- 11 4. The Clerk of the Court is directed to serve a copy of this Order on Plaintiff and the
12 United States Court of Appeals for the Ninth Circuit.

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14 IT IS SO ORDERED.

15 Dated: November 5, 2014

16 /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE