

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ARCHIE CRANFORD,) 1:13-cv-00763-BAM (PC)
Plaintiff,)
vs.) Appeal No. 14-17100
SAMANTHA PERRYMAN, et al.,)
Defendants.) ORDER REVOKING IN FORMA
) PAUPERIS STATUS
) (ECF No. 36)

By notice entered November 4, 2014, the United States Court of Appeals for the Ninth Circuit referred this matter to the District Court for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith. *See* 28 U.S.C. § 1915(a)(3); *see also* *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of in forma pauperis status is appropriate where the District Court finds the appeal to be frivolous).

Permitting litigants to proceed in forma pauperis is a privilege, not a right. *Franklin v. Murphy*, 745 F.2d 1221, 1231 (9th Cir. 1984); *Williams v. Field*, 394 F.2d 329, 332 (9th Cir., cert. denied, 393 U.S. 891 (1968); *Williams v. Marshall*, 795 F.Supp. 978, 978-79 (N.D. Cal. 1992). A federal court may dismiss a claim filed in forma pauperis prior to service if it is 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.

Franklin, 745 F.2d at 1227. By its order dismissing this action, the Court found that Plaintiff was unable to state a cognizable claim despite multiple attempts and that Plaintiff had changed the nature of his suit in his amended complaint. (ECF No. 30.)

Accordingly, IT IS HEREBY ORDERED that:

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

IT IS SO ORDERED.

Dated: **November 5, 2014**

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE