

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MARTIN A. ROSAS PADILLA,  
Plaintiff,  
v.  
SIX UNKNOWN NAMES AGENTS, et al.,  
Defendants.

Case No. 1:13-cv-01763-AWI-SKO PC  
Appeal No. 13-17383

**NOTICE AND ORDER FINDING THAT  
APPEAL WAS NOT TAKEN IN GOOD  
FAITH**

(Doc. 4)

\_\_\_\_\_ /

This action was filed by pro se litigant Young Yil Jo on behalf of Martin A. Rosas Padilla on November 1, 2013.<sup>1</sup> (Doc. 1.) The case was dismissed on November 12, 2013, and a notice of appeal was filed on November 20, 2013. Pursuant to Federal Rule of Appellate Procedure 24(a)(4)(B), the district court may certify that an appeal is not taken in good faith and for the following reason, the Court now certifies that the appeal filed on November 20, 2013, was not taken in good faith.

An appeal is taken in good faith if the appellant seeks review of any issue that is not frivolous. *Gardner v. Pogue*, 558 F.2d 548, 550-51 (9th Cir. 1977) (citing *Coppedge v. United States*, 369 U.S. 438, 445, 82 S.Ct. 917 (1962)) (quotation marks omitted); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (if at least one issue or claim is non-frivolous, the appeal must proceed in forma pauperis as a whole). This case was dismissed on the

<sup>1</sup> Mr. Jo's detention status is unclear, but he is presently at the Etowah County Jail in Alabama.

1 ground that Mr. Jo, who is not an attorney, may not represent Mr. Padilla.<sup>2</sup> *Johns v. County of San*  
2 *Diego*, 114 F.3d 874, 877 (9th Cir. 1997); *C. E. Pope Equity Trust v. United States*, 818 F.2d 696,  
3 697 (9th Cir. 1987). In light of the fact that pro se litigants may not represent others, the appeal of  
4 the dismissal is frivolous.

5 Accordingly, the Court HEREBY ORDERS as follows:

6 1. Pursuant to Fed. R. App. P. 24(a)(4)(B), the Court finds that the appeal was not  
7 taken in good faith; and

8 2. Pursuant to Fed. R. App. P. 24(a)(4), the Clerk of the Court shall serve this order on  
9 Mr. Jo and the Court of Appeals for the Ninth Circuit.

10  
11 IT IS SO ORDERED.

12 Dated: November 22, 2013

  
\_\_\_\_\_  
13 SENIOR DISTRICT JUDGE

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26 <sup>2</sup> It is not clear if Mr. Padilla is aware that Plaintiff filed this case under his name or that an appeal was filed in his  
27 name. (Docs. 1, 4.) The Court takes judicial notice of the fact that Mr. Jo has filed approximately 225 civil cases in  
28 this district, not one of which had merit. Furthermore, more than 280 other actions identical or virtually identical to  
actions filed by Mr. Jo have been filed under other inmates' names. It is unclear how many, if any, were filed with the  
other inmates' permission. *E.g.*, document 4 in case number 1:11-cv-00899-OWW-SKO, *Williams v. Silveira* (letter  
from Mr. Silveira notifying court that action was filed without his permission).