

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10

11 RAYMOND GEORGE GLASS,

12 Plaintiff,

13 v.

14 J. TERCERO,

15 Defendant.  
16

Case No. 1:14-cv-02065-AWI- DLB PC

ORDER DENYING PLAINTIFF'S  
MOTION TO PROCEED IN FORMA  
PAUPERIS ON APPEAL

(Document 13)

17 Plaintiff Ronald George Glass ("Plaintiff") is a California state prisoner proceeding pro se in  
18 this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on December 24, 2014.

19 On January 12, 2015, the Court dismissed the action because Plaintiff's removal was  
20 improper, and because Plaintiff has accrued three strikes under 28 U.S.C. § 1915(g) and did not meet  
21 the imminent danger requirement. The Court also denied Plaintiff's motion to proceed in forma  
22 pauperis as moot.

23 Plaintiff filed a notice of appeal on February 2, 2015.

24 Federal Rule of Appellate Procedure 24(a)(1) provides that a party wishing to proceed in  
25 forma pauperis on appeal must file a motion in the district court. The party must attach an affidavit  
26 that:

27 (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability  
28 to pay or to give security for fees and costs;

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

(B) claims an entitlement to redress; and

(C) states the issues that the party intends to present on appeal.

On February 23, 2015, Plaintiff filed a motion to proceed in forma pauperis.

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); 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).

Here, Plaintiff fails to state any issues that he intends to present on appeal, and the Court can discern no basis for Plaintiff's appeal, other than a mere disagreement with the Court's order. Moreover, the Court finds that any grounds for appeal would be frivolous. Plaintiff's action was dismissed because he was improperly attempting to "remove" his closed action from state court. Plaintiff was also deemed to have three strikes" under 28 U.S.C. 1915(g), and he did not meet the imminent danger exception.

Accordingly, the Court HEREBY ORDERS as follows:

1. Pursuant to Fed. R. App. P. 24(a)(3)(A), the Court finds that the appeal was not taken in good faith; and
2. Pursuant to Fed. R. App. P. 24(a)(4)(B), the Clerk of the Court shall serve this order on Plaintiff and the Court of Appeals for the Ninth Circuit.

IT IS SO ORDERED.

Dated: February 26, 2015

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