

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

GREGORY ELL SHEHEE,  
Plaintiff,  
v.  
SHERIFF MIMS, et al.,  
Defendants.

Case No. 1:15-cv-00428 AWI DLB PC  
ORDER DENYING MOTION TO PROCEED  
IN FORMA PAUPERIS ON APPEAL  
(ECF No. 7)

---

Plaintiff Gregory Ell Shehee, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 19, 2015. On April 1, 2015, the Court noted that Plaintiff has suffered three or more prior dismissals which qualify as final strikes under 28 U.S.C. § 1915(g). Accordingly, the Court dismissed the complaint without prejudice to refiling the action with payment of the filing fee. On April 10, 2015, Plaintiff filed a notice of appeal along with 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). In this case, the Court finds that the appeal is frivolous and not taken in good faith.

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

Accordingly, the Court HEREBY ORDERS that Plaintiff's motion to proceed in forma pauperis on appeal is DENIED.

IT IS SO ORDERED.

Dated: April 21, 2015

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