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3	UNITED STATES DISTRICT COURT		
<u>4</u>	EASTERN DISTRICT OF CALIFORNIA		
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6	MARVELLOUS AFRIKAN WARRIOR,	CASE NO. 1:16-cv-01480-AWI-MJS (PC)	
7	Plaintiff,	ORDER DENYING MOTION TO VACATE	
8	V.	JUDGEMENT AND ORDER FINDING THAT PLAINTIFF'S APPEAL IS FRIVOLOUS	
9	JEANETTE SOLORIO, et al.,		
10	Defendants.	(ECF Nos. 15, 20)	
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13 14	Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil		
14	rights action brought pursuant to 42 U.S.C. § 1983. On February 27, 2017, Plaintiff's first		
16	amended complaint was dismissed without leave to amend, and the matter was closed.		
17	(ECF Nos. 13, 14.)		
18	Before the Court is Plaintiff's Motion to Vacate Judgment, brought pursuant to		
19	Federal Rule of Civil Procedure 59(e). Plaintiff provides no basis for vacating the Court's		
20	judgment, reconsidering its prior ruling, or providing Plaintiff relief. The cases cited by		
21	Plaintiff are inapposite.		
22	Additionally, on March 22, 2017, the Ninth Circuit referred this matter back to this		
23	Court for the limited purpose of determining whether in forma pauperis status should		
24	continue during Plaintiff's appeal, or whether the appeal is frivolous or taken in bad faith.		
25	See Doc. No. 20. After consideration, the Court concludes that the appeal is frivolous		
26	within the meaning 28 U.S.C. § 1915(a)(3). Plaintiff was previously informed of the		
27	appropriate pleading standards, yet his amended complaint did not meet those		
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1 2 3 4 5 6 7 8	standards. Instead, the allegations remained conclusory, unclear, appeared to involve separate and unrelated matters, and failed to contain sufficient factual allegations to state plausible claims. No appellate issue that has an arguable basis in law or fact is apparent. <u>See Neitzke v. Williams</u> , 490 U.S. 319, 325 (1989); <u>O'Loughlin v. Doe</u> , 920 F.2d 614, 617 (9th Cir. 1990); <u>see also In re Hawaii Corp.</u> , 796 F.2d 1139, 1144 (9th Cir. 1986). Therefore, the Court concludes that Plaintiff's appeal is frivolous and that Plaintiff's in forma pauperis status should not continue during appeal. <u>See</u> 28 U.S.C. §	
9	1915(a)(3).	
10 11	Accordingly, IT IS HEREBY ORDERED that: 1. Plaintiff's motion for reconsideration (Doc. No. 16) is DENIED;	
12 13	 In accordance with 28 U.S.C. § 1915(a)(3), Plaintiff is not entitled to proceed in forma pauperis in the appeal of this case; 	
14 15	3. As required by Fed. R. App. P. 24(a)(4), this Order serves as notice to the parties and Ninth Circuit Court of Appeals of the finding that Plaintiff is not entitled to	
16 17 18	proceed in forma pauperis for his appeal of this case; and4. The Clerk is directed to serve a copy of this order on Plaintiff and Ninth Circuit	
19	Court of Appeals.	
20	IT IS SO ORDERED.	
21 22	Dated: March 23, 2017SENIOR DISTRICT JUDGE	
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