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2 **UNITED STATES DISTRICT COURT**

3 EASTERN DISTRICT OF CALIFORNIA

4 In re: JOHN IVAN KOCAK,

Case No. 1:20-mc-00026-AWI-SKO

5 Debtor/Appellant,

B.A.P. No. EC-19-1261

6 Bk. No. 18-11947

7
8 **ORDER ADOPTING FINDINGS AND**
9 **RECOMMENDATION TO DENY**
10 **APPELLANT'S MOTION TO PROCEED**
11 ***IN FORMA PAUPERIS* ON APPEAL TO**
12 **THE NINTH CIRCUIT BANKRUPTCY**
13 **APPELLATE PANEL**

(Doc. No. 2)

14 This matter comes before the Court on Appellant John Ivan Kocak's ("Appellant") motion
15 to proceed *in forma pauperis* on appeal before the United States Bankruptcy Appellate Panel of the
16 Ninth Circuit ("BAP"). (Doc. No. 1.) As the BAP lacks authority to grant or deny a motion to
17 proceed *in forma pauperis* under 28 U.S.C. § 1915(a), *Perroton v. Gray (In re Perroton)*, 958 F.2d
18 889 (9th Cir. 1992); *Determan v. Sandoval (In re Sandoval)*, 186 B.R. 490, 496 (9th Cir. BAP
19 1995), the BAP transferred Appellant's motion to proceed *in forma pauperis* to this Court.

20 In accordance with 28 U.S.C. § 636 and Local Rule 302, on May 29, 2020, the assigned
21 magistrate judge issued findings and recommendations recommending that Appellant's motion to
22 proceed *in forma pauperis* on appeal be denied under 28 U.S.C. § 1915(a)(3) because the appeal is
23 not taken in good faith, relying in part on the bankruptcy court's certification that the appeal is not
24 taken in good faith. (Doc. No. 2.) The findings and recommendations were mailed to Appellant's
25 address on the docket and contained notice that any objections were to be filed within fourteen (14)
26 days. (*Id.*) No objections have been filed.
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1 Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo*
2 review of the case. Having carefully reviewed the entire file, the court finds that the findings and
3 recommendation are supported by the record and proper analysis.

4 ORDER

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendation dated May 29, 2020 (Doc. No. 2), are
7 ADOPTED IN FULL;
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9 2. Appellant's motion to proceed *in forma pauperis* on appeal (Doc. No. 1) is
10 DENIED;
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12 3. This matter is REFERRED BACK to the Ninth Circuit Bankruptcy Appellate
13 Panel; and
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15 4. The Clerk is directed to CLOSE this case.

16 IT IS SO ORDERED.

17 Dated: June 17, 2020

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19 SENIOR DISTRICT JUDGE
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