

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

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAVID M. DAVID,

No. CIV S-09-0092-CMK-P

Plaintiff,

vs.

ORDER

SCHWARZENEGGER, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, appeals the court's final judgment entered on May 2, 2011. Plaintiff consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and no other party was served or appeared in the action. The matter was referred to the undersigned by the Ninth Circuit Court of Appeals to certify whether the appeal is taken in good faith. See 28 U.S.C. § 1915(a)(3). Having reviewed the entire file, the court concludes that the appeal is not taken in good faith. For the reasons stated in the court's May 2, 2011, order dismissing the action, plaintiff has not stated a claim upon which relief can be granted.

///


///

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

Accordingly, IT IS HEREBY ORDERED that:

1. This appeal is not taken in good faith; and
2. The Clerk of the Court is directed to serve a copy of this order on the Pro Se Unit at the Ninth Circuit Court of Appeals.

DATED: June 6, 2011



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE