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

DWAYNE EICHLER,
Plaintiff,

No. CIV S-09-1032-MCE-CMK-P

vs.

ORDER

J. TILTON, et al.,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to the court 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 certifies that the appeal is not taken in good faith. For the reasons stated in the court's April 15, 2011, findings and recommendations, plaintiff has not stated a claim upon which relief can be granted.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The appeal is not taken in good faith; and


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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 24, 2011


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE