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

JAMES EDWARD JEFFERSON,

Plaintiff,

No. CIV S-09-2562 FCD GGH PS

vs.

SAVE MART SUPERMARKET, a
Ca. Corp., dba FOODMAXX, et al.,

Defendants.

ORDER

_____ /

Plaintiff, an individual proceeding in forma pauperis, sought relief pursuant to 42 U.S.C. § 1983 and the First Amendment. Judgment was entered in this action on April 25, 2011. On May 10, 2011, plaintiff filed a notice of appeal. The appeal has since been processed to the Ninth Circuit Court of Appeals.

Pending before the court is plaintiff’s May 10, 2011, motion for leave to proceed in forma pauperis on appeal, and the Ninth Circuit Court’s referral notice, issued May 18, 2011.

The Federal Rules of Appellate Procedure provide as follows:

A party who was permitted to proceed in forma pauperis in the district- court action . . . may proceed on appeal in forma pauperis without further authorization unless . . . the district court ... certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. . . .

1 Fed. R. App. P. 24(a). Plaintiff filed no opposition to the motions to dismiss. The district court
2 found that plaintiff's action was without merit. On these bases, the court finds that plaintiff's
3 appeal is not taken in good faith.

4 In accordance with the above, IT IS HEREBY ORDERED that:

5 1. Plaintiff's appeal is not taken in good faith.

6 2. Plaintiff's May 10, 2011, motion to proceed in forma pauperis on appeal (dkt.
7 no. 48) is denied. See Fed. R. App. P. 24(a).

8 3. The Clerk of the Court is directed to serve the United States Court of Appeals
9 for the Ninth Circuit with a copy of this order.

10 DATED: May 27, 2011

11 /s/ Gregory G. Hollows

12 UNITED STATES MAGISTRATE JUDGE

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