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

RANDY JAMES GEREN,

No. CIV S-10-0206-GEB-CMK-P

Plaintiff,

vs.

ORDER

MATTHEW CATE, 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 concludes that the appeal is not taken in good faith. For the reasons stated in the court’s October 19, 2011, findings and recommendations, plaintiff has not stated a claim upon which relief can be granted.

Accordingly, IT IS HEREBY ORDERED that:

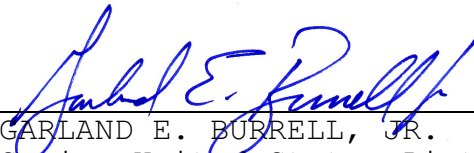
1. This appeal is frivolous and not taken in good faith;
2. Plaintiff’s in forma pauperis status is appropriately revoked; and

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3. 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: November 1, 2012



GARLAND E. BURRELL, JR.
Senior United States District Judge