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

LESLIE MOORE,

No. CIV S-10-0713-KJM-CMK

Plaintiff,

vs.

ORDER

COUNTY OF BUTTE, et al.,

Defendants.

\_\_\_\_\_/

Plaintiff, who is proceeding pro se and in forma pauperis, appeals the court's final judgment entered on December 2, 2011. 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. As set forth in the magistrate judge's July 22, 2011, findings and recommendations, plaintiff failed to allege facts to support a claim in federal court. More specifically, plaintiff's allegations related to complaints of impropriety surrounding her divorce and custody proceedings. She specifically states that these issues were litigated and decided against her in state court. This court concluded that it should abstain and that any remedies available to plaintiff lie in state court. This court cannot see any arguable basis in law or fact to challenge this conclusion. The appeal, therefore, appears frivolous.

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Accordingly, IT IS HEREBY ORDERED that:

1. This appeal is not taken in good faith;
  2. Plaintiff's second motion for the appointment of counsel on appeal (Doc. 26) is denied without prejudice to renewing the motion in the Ninth Circuit Court of Appeals;
- and
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: February 16, 2012.

  
UNITED STATES DISTRICT JUDGE