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

ROBERT SAUNDERS,

Plaintiff,

No. 2:10-cv-02559 GEB KJN PS

vs.

Court of Appeals No. 12-15578

THE COUNTY OF SACRAMENTO,  
SACRAMENTO, CALIFORNIA, et al.,

Defendants.

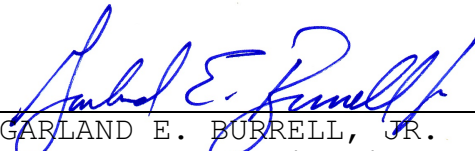
ORDER

\_\_\_\_\_ /  
This matter is before the court on the referral of the United States Court of Appeals for the Ninth Circuit for the limited purpose of determining whether in forma pauperis status should continue for plaintiff’s appeal (Referral Notice, Dkt. No. 55). See 28 U.S.C. § 1915(a)(3) (“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”). The court should revoke a litigant’s in forma pauperis status if an appeal is frivolous or not taken in good faith. See id.; see also Hooker v. Am. Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002) (recognizing that revocation of in forma pauperis status is appropriate where a district court finds the appeal to be frivolous). An action is frivolous if it has no arguable basis in fact or law. Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th Cir. 1984).

In the instant case, plaintiff’s appeal is not frivolous or taken in bad faith.

1 Therefore, plaintiff's in forma pauperis status should continue for this appeal. The Clerk of this  
2 court shall promptly transmit a copy of this order to the Clerk of the United States Court of  
3 Appeals for the Ninth Circuit.

4 Dated: March 23, 2012

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7 GARLAND E. BURRELL, JR.  
8 United States District Judge  
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