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

SHAUNTAE TAYLOR,

Plaintiff,

No. CIV S-10-2731 GGH P

vs.

T. VIRGA, et al.,

Defendants.

ORDER

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This case was dismissed for plaintiff’s failure to state a claim upon which relief may be granted by Order, filed on May 26, 2011, and judgment thereon entered. After plaintiff, a state prisoner who proceeded pro se and in forma pauperis in the district court, filed a notice of appeal, the Ninth Circuit referred this matter “for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous on taken in bad faith.”

It is this court’s determination that this appeal was not taken in good faith. As noted in the adopted Findings and Recommendations, filed on April 28, 2011, p. 6, “[t]here is no basis for a claim of an Eighth Amendment violation against defendants for plaintiff’s self-confessed and apparently wholly unwarranted aggression toward his cellmates... and plaintiff cannot raise claims on behalf of any party other than himself,” citing Halet v. Wend Inv. Co., 672

1 F.2d 1305, 1308 (9<sup>th</sup> Cir. 1982).

2                   Accordingly, IT IS ORDERED that the Clerk of the Court is to serve this response  
3 to the Ninth Circuit's June 9, 2011, Referral Notice for Appellate Case No. 11-16450, upon the  
4 Ninth Circuit.

5 DATED: June 10, 2011

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

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