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

KIRK DOUGLAS WILLIAMS,

Plaintiff,

No. CVI S-10-2893 KJM CKD P

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

NOTICE

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On July 24, 2012, the United States Court of Appeals for the Ninth Circuit referred this matter to the district court for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith under 28 U.S.C. § 1915(a)(3). (Dkt. No. 60.)

Plaintiff appeals the judgment of dismissal entered on July 5, 2012. (Dkt. Nos. 57, 58.) Having reviewed the record, the court concludes that plaintiff's appeal is frivolous. As set forth in the findings and recommendations dated March 13, 2012, plaintiff was granted several opportunities to amend his complaint to state a colorable claim. Rather than doing so, he continued his practice of filing frivolous pleadings that burdened the court. This action was dismissed for failure to amend. (Dkt. No. 49.)

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Accordingly, plaintiff's in forma pauperis status should be revoked on appeal.

IT IS SO NOTED.

DATED: August 9, 2012.


UNITED STATES DISTRICT JUDGE