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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PETER GRAVES,

Case No. 2:11-CV-00367 JAM-GGH

Plaintiff,

v.

RICHARD C. VISEK, et al.,

Defendants. / ORDER

Plaintiff’s pro se complaint was summarily dismissed on May 12, 2011, as the allegations contained therein were duplicative of those in another case filed by the Plaintiff in the Eastern District. Judgment was entered accordingly, and Plaintiff timely appealed. See FED. R. APP. P. 4(a).

By a referral notice, entered in this Court’s docket on June 13, 2011, 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.” (Doc. #22) (citing 28 U.S.C. § 1915(a)(3); Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002)). Section 1915(a)(3) provides that “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith,” and Hooker confirms that revocation of in forma pauperis status is appropriate when a district court finds an appeal to be frivolous. See Hooker, 302 F.3d at 1091-92.

After reviewing the record herein, the Court finds that Plaintiff’s appeal is not taken in good faith. Plaintiff’s claims are duplicative and were improperly asserted in this action, as detailed in the

1 Findings and Recommendations of March 18, 2011 (Doc. # 6).

2 In accordance with the above, IT IS HEREBY ORDERED that, pursuant to the Ninth
3 Circuit's referral notice, Plaintiff's in forma pauperis status is revoked on appeal. See FED. R. APP.
4 P. 24(a)(3)(A).

5 Dated: June 16, 2011

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/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE

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