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

BRADY ARMSTRONG,

Plaintiff,

No. 2: 11-cv-0965 GEB KJN P

vs.

SILVA GARCIA, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On May 20, 2013, this case was dismissed and judgment entered.

On June 17, 2013, the Ninth Circuit Court of Appeals referred this action to this court to determine whether plaintiff's in forma pauperis status should continue for the appeal or whether the appeal is frivolous or taken in bad faith. See 28 U.S.C. § 1915(a)(3); see also Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of in forma pauperis status is appropriate where the district court finds the appeal to be frivolous).

Plaintiff's appeal is frivolous because, for the reasons stated in the November 20, 2012 findings and recommendations, plaintiff's claims are barred by the statute of limitations and the doctrine of *judicata*.

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1 Because plaintiff's appeal is frivolous, his in forma pauperis status on appeal is
2 revoked.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's in forma pauperis status on appeal is revoked;
- 5 2. The Clerk of the Court shall serve a copy of this order on the Ninth Circuit
6 Court of Appeals.

7 Dated: June 26, 2013

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11 GARLAND E. BURRELL, JR.
12 Senior United States District Judge
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