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

ROBERT LEE DIXON,

Plaintiff,

vs.

JATINDER K. SINGH, et al.,

Defendants.

No. 2:11-cv-1409 GEB KJN P

Court of Appeals No. 11-17562

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. See 28 U.S.C. § 1915(a)(3). The court should revoke a litigant’s in forma pauperis status if an appeal is frivolous or taken in bad faith. See 28 U.S.C. § 1915(a)(3); 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, 1228 (9th Cir. 1984).

In the instant case, plaintiff’s appeal is not frivolous or taken in bad faith. Therefore, plaintiff’s in forma pauperis status should continue for this appeal. The Clerk of this

1 court shall promptly transmit a copy of this order to the Clerk of the United States Court of
2 Appeals for the Ninth Circuit.

3 Dated: November 3, 2011

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6 GARLAND E. BURRELL, JR.
United States District Judge

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