

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNATHAN SAMUEL WILLIAMS.

No. 2:11-cv-2526-WBS-CMK-P

Plaintiff.

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ORDER

KURK, et al.,

Defendant.

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to the court by the Ninth Circuit Court of Appeals to certify whether the appeal is taken in good faith. See 28 U.S.C. § 1915(a)(3).

Having reviewed the entire file, the court concludes that the appeal is not taken in good faith. As stated in the magistrate judge's August 18, 2015, findings and recommendations, this action is barred by res judicata. The claims raised in this action were previously addressed in a prior action. Following dismissal with prejudice in the prior action, plaintiff filed an appeal of that decision. The appeal in that action was dismissed for plaintiff's failure to pay the filing fees. See Willaims v. CDCR, 2:06-cv-2903-MCE-EBF.

Accordingly, IT IS HEREBY ORDERED that:

1. This appeal is frivolous and not taken in good faith;
 2. Plaintiff's in forma pauperis status is appropriately revoked; and

3. The Clerk of the Court is directed to serve a copy of this order on the Pro Se Unit at the Ninth Circuit Court of Appeals.

Dated: February 17, 2016

William H. Abbott

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE