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

RANDY WOOLFOLK,

Plaintiff,

No. 2:11-cv-2713 GEB KJN P

vs.

Court of Appeals No. 12-15034

EDMUND G. BROWN, et al.,

Defendants.

ORDER

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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 legally frivolous. (Dkt. No. 6 at 3.) Thus, plaintiff’s in forma pauperis status is revoked. 28 U.S.C. § 1915(a)(3). The Clerk of this court

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

3 Dated: January 17, 2012

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

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