1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 DAVID REYES, No. 2:12-cv-0652-KJM-CMK 12 Plaintiff, 13 **ORDER** v. 14 CHRISTOPHER SMITH, et al., 15 Defendant. 16 17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 18 U.S.C. § 1983. The matter was referred to the court by the Ninth Circuit Court of Appeals to 19 certify whether the appeal is taken in good faith. See 28 U.S.C. § 1915(a)(3). 20 Having reviewed the entire file, the court concludes that the appeal is not taken in 21 good faith. As stated in the court's July 19, 2013, findings and recommendations, this action was 22 dismissed, without prejudice, for plaintiff's failure to exhaust his administrative remedies. 23 Specifically, plaintiff filed two inmate appeals, but neither was sufficient to exhaust his 24 administrative remedies before filing this action. 25 Accordingly, IT IS HEREBY ORDERED that: 26 1. This appeal is frivolous and not taken in good faith; 27 2. Plaintiff's in forma pauperis status is appropriately revoked; and /// 28 1

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: December 24, 2013.

UNITED STATES DISTRICT JUDGE