

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

DEREK TODD,

Plaintiff, No. 2:12-cv-0708 MCE KJN PS

VS.

DONALD BEVINS et al.,

Defendants. ORDER

Plaintiff Derek Todd, who is proceeding without counsel and in forma pauperis, originally filed this action under 42 U.S.C. § 1983 on March 21, 2012. (Dkt. No. 1.) On December 5, 2012, the district judge adopted the undersigned's findings and recommendations recommending that defendants' motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure be granted and that the action be dismissed with prejudice. (Dkt. Nos. 22, 25.) On December 7, 2012, plaintiff filed a notice of appeal. (Dkt. No. 27.)

Thereafter, on December 12, 2012, the Ninth Circuit Court of Appeals directed the court to determine whether in forma pauperis status should continue for the appeal or whether the appeal is frivolous or taken in bad faith. For the reasons stated in the September 17, 2012 findings and recommendations, subsequently adopted by the district judge's December 5, 2012 order, the court finds that the appeal is frivolous, and that it is appropriate to revoke plaintiff's in

1 forma pauperis status for purposes of the appeal.¹

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Plaintiff's in forma pauperis status for appeal is REVOKED because the appeal
4 is frivolous; and

5 2. The Clerk of Court shall serve this order on the Ninth Circuit Court of
6 Appeals.

7 DATED: December 13, 2012

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11 KENDALL J. NEWMAN
12 UNITED STATES MAGISTRATE JUDGE

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22 ¹ Additionally, the court notes that plaintiff is a frequent filer of frivolous actions in this
23 court, with approximately 15 cases filed in 2011-2012, the majority of which have already been
24 dismissed. For example, plaintiff frequently files actions against judges and social workers
25 involved with his child custody cases and/or family law matters. See e.g. 2:11-cv-2346-LKK-
26 DAD (involving state court judge); 2:11-cv-2598-GEB-JFM (involving state court judge); 2:12-
cv-470-JAM-GGH (involving social worker); 2:12-cv-1379-MCE-GGH (involving state court
judge). Plaintiff appears to be using the federal court system for the nefarious purpose of
harassing the state court decision makers and others involved in his child custody cases and/or
family law matters.