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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DERRICK MOSLEY, Plaintiff, v. BROYLES, Defendant.	No. 2:12-cv-2681 CKD P <u>ORDER</u>
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Plaintiff, a state prisoner proceeding in forma pauperis, sought relief pursuant to 42 U.S.C. § 1983. Judgment was entered in this action on April 23, 2013. (ECF No. 15.) On July 18, 2013, the United States Court of Appeals for the Ninth Circuit referred this matter to the district court for the limited purpose of determining whether plaintiff's in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith pursuant to 28 U.S.C. § 1915(a)(3). (ECF No. 24.)

The Federal Rules of Appellate Procedure provide as follows:

[A] party who has been permitted to proceed in an action in the district court in forma pauperis . . . may proceed on appeal in forma pauperis without further authorization unless . . . the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed

Fed. R. App. P. 24(a). After review of the record herein, the court finds that plaintiff's appeal is
///

1 frivolous. Accordingly, plaintiff's in forma pauperis status should not continue on appeal.

2 Dated: August 7, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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