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

10 ELIZABETH UNGUREANU &
11 DANIEL UNGUREANU

12 Plaintiffs,

No. 2:12-cv-3109 TLN KJN PS

13 v.

14 A. TEICHERT & SON, INC., and
15 RONALD WOLFSON

16 Defendants.

ORDER

17 _____/
18 On June 5, 2013, the court denied plaintiffs' motion to remand the action to state
19 court; granted defendant A. Teichert & Son, Inc.'s motion to dismiss and dismissed plaintiffs'
20 claims against defendant Teichert with prejudice; and remanded the remainder of the action
21 (plaintiffs' state law claims against defendant Ronald Wolfson) to state court. (ECF Nos. 26,
22 27.) Thereafter, on June 10, 2013, plaintiffs filed a notice of appeal as well as a motion to
23 proceed in forma pauperis on appeal. (ECF Nos. 28, 30.)¹

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25 ¹ The action was initially removed to this court by defendants, who paid the appropriate
26 fee upon removal. As such, plaintiffs were not previously granted in forma pauperis status
during the pendency of the action in district court.

1 Federal Rule of Appellate Procedure 24 provides that “a party to a district-court
2 action who desires to appeal in forma pauperis must file a motion in the district court.” Fed. R.
3 App. P. 24(a)(1). Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken in forma
4 pauperis if the trial court certifies in writing that it is not taken in good faith.” The good faith
5 standard is an objective one. Coppedge v. United States, 369 U.S. 438, 445 (1962). A plaintiff
6 satisfies the “good faith” requirement if he or she seeks review of any issue that is “not
7 frivolous.” Gardner v. Pogue, 558 F.2d 548, 551 (9th Cir. 1977) (quoting Coppedge, 369 U.S. at
8 445).

9 For the reasons stated in the March 15, 2013 findings and recommendations (see
10 ECF No. 22), adopted by the district judge on June 5, 2013 (ECF No. 26), the court finds that the
11 instant appeal is frivolous. The court thus certifies that plaintiffs’ appeal is not taken in good
12 faith.

13 Accordingly, IT IS HEREBY ORDERED that:

14 1. Plaintiffs’ motion to proceed in forma pauperis on appeal (ECF No. 30) is
15 DENIED.

16 2. The Clerk of Court is directed to serve a copy of this order on plaintiffs and on
17 the Ninth Circuit Court of Appeals.

18 IT IS SO ORDERED.

19 DATED: June 12, 2013

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22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE
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