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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT,  
Plaintiff,  
v.  
PATRICIO ENTERPRISES, et al.,  
Defendants.

No. 2:13-cv-0118 KJM GGH PS

ORDER

Plaintiff, who had proceeded pro se and in forma pauperis in the district court, filed on April 29, 2015, a notice of appeal. The appeal has since been processed to the Ninth Circuit Court of Appeals.

Pending before the court is the Ninth Circuit Court’s referral notice, issued May 1, 2015, for the limited purpose of determining whether in forma pauperis status should continue for the appeal, or whether the appeal is frivolous or taken in bad faith.

“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). Revocation of in forma pauperis status is appropriate when a district court finds an appeal to be frivolous. Hooker v. American Airlines, 302 F.3d 1091, 1091-92 (9th Cir. 2002).

For the reasons stated in the July 31, 2014 findings and recommendations (see ECF No. 45), adopted by the district judge on March 31, 2015 (ECF No. 53), the court finds that the instant appeal is without merit and is not taken in good faith. The court thus certifies that plaintiff’s

1 appeal is not taken in good faith, and concludes that plaintiff's in forma pauperis status should not  
2 continue for purposes of the appeal.

3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. Plaintiff's in forma pauperis status is revoked.

5 2. The Clerk of the Court is directed to serve the United States Court of Appeals for the  
6 Ninth Circuit with a copy of this order.

7 Dated: May 5, 2015

8 /s/ Gregory G. Hollows

9 UNITED STATES MAGISTRATE JUDGE

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