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7	UNITED STATES DISTRICT COURT	
8	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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10	DEREK TODD,	No. 2:13-cv-1018 GEB AC PS
11	Plaintiff,	
12	v.	ORDER
13	U.S. JUDGE WILLIAM CANBY, et al.,	
14	Defendants.	
15		
16	Plaintiff, proceeding pro se, filed this action on May 22, 2013 together with a motion to	
17	proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff was granted leave to proceed in	
18	forma pauperis on November 7, 2013. On December 24, 2013, this action was dismissed with	
19	prejudice for failure to state a claim and plaintiff was declared a vexatious litigant. See ECF No.	
20	5. Plaintiff has since filed a timely Notice of Appeal. ECF No. 7.	
21	On January 7, 2014, the Ninth Circuit Court of Appeals filed a Referral Notice, referring	
22	this matter to the district court for the limited purpose of determining whether in forma pauperis	
23	status should continue for this appeal or whether the appeal is frivolous or taken in bad faith. See	
24	28 U.S.C. § 1915(a)(3). An appeal is taken in "good faith" where it seeks review of any issue that	
25	is "nonfrivolous." Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002). An issue	
26	is "frivolous" if it has "no arguable basis in fact or law." See O'Loughlin v. Doe, 920 F.2d 614,	
27	617 (9th Cir. 1990).	
28	Here, plaintiff's Notice of Appeal does not identify what portion of the court's December	
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1	24, 2013 order he seeks to appeal. Nonetheless, the undersigned, having fully considered the	
2	matter, finds that reasonable jurists could not disagree with the district court's resolution of	
3	plaintiff's claims, or that jurists could conclude the issues presented are adequate to deserve	
4	encouragement to proceed further. Accordingly, any appeal would be frivolous or taken in bad	
5	faith, and plaintiff's in forma pauperis status should be revoked	
6	Accordingly, IT IS HEREBY ORDERED that plaintiff's in forma pauperis status is	
7	revoked.	
8	DATED: January 17, 2014	
9	auson Clane	
10	ALLISON CLAIRE UNITED STATES MAGISTRATE JUDGE	
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