

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PETER GRAVES,
Plaintiff,
v.
ROBERT JONES, et al.,
Defendants.

No. 2:14-cv-01477-MCE-AC

ORDER

On June 20, 2014, Plaintiff Peter Graves ("Plaintiff"), proceeding pro se, brought this civil action claiming, to the extent the Court understands his position, that he was discriminated against when he was treated differently than others at a community board meeting. On November 19, 2014, the Court dismissed Plaintiff's amended complaint in its entirety. Order, ECF No. 10. Plaintiff filed a Notice of Appeal on December 9, 2014. ECF No. 12. On November 12, 2014, the United States Court of Appeals for the Ninth Circuit referred the matter back to this Court for the limited purpose of determining whether Plaintiff's in forma pauperis status should continue on appeal or whether that status should be revoked because the appeal is frivolous or taken in bad faith. ECF No. 14; see 28 U.S.C. § 1915(a)(3).

Plaintiff's appeal is not taken in good faith because despite being given specific instructions as to how to amend his complaint, Plaintiff's allegations wholly failed to

1 comply with Rule 8. To the contrary, “the first amended complaint consists of long,
2 rambling and incoherent allegations that several constitutional rights and laws have been
3 violated” and those allegations are “interspersed with disjointed factual assertions and
4 conclusions.” See ECF Nos. 8, 10. Accordingly, because it is impossible for the Court
5 to decipher Plaintiff’s “conclusory and incoherent allegations,” both the pleading here
6 and Plaintiff’s current appeal are frivolous.

7 Plaintiff’s in forma pauperis status is thus REVOKED. The Clerk of the Court is
8 ordered to TRANSMIT a copy of this Order to the Clerk of the Court of the United States
9 Court of Appeals for the Ninth Circuit for filing on the docket of Case No. 14-17433.

10 IT IS SO ORDERED.

11 Dated: December 22, 2014

12
13
14 
15 MORRISON C. ENGLAND, JR., CHIEF JUDGE
16 UNITED STATES DISTRICT COURT
17
18
19
20
21
22
23
24
25
26
27
28