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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PETER T. HARRELL,
Plaintiff,
v.
HORNBROOK COMMUNITY
SERVICES DISTRICT, et al.,
Defendants.

No. 2:14-cv-01595-KJM-GGH

ORDER

On October 27, 2017, the Ninth Circuit Court of Appeals sent a Referral Notice to this court “for the limited purpose of determining whether in forma pauperis status should continue for this appeal.” The standard to be applied by this court in rendering a decision on this issue is found in 28 U.S.C. section 1915(a)(3) which states that “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”

On August 15, 2017, this court issued Findings and Recommendations, ECF No. 157, the substance of which were adopted by the district court in an order signed September 29, 2017. ECF No. 159. The central factor of the Findings and Recommendations was that plaintiff was contumacious and the dismissal recommendation adopted by the district court was based upon Federal Rule of Civil Procedure 41(b) for plaintiff’s repeated refusal to follow court orders, instead filing serial and ever enlarging amendments to a Complaint that was never brought to issue on account of plaintiff’s actions.

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This court hereby attests that the appeal is not taken in good faith insofar as the dismissal was required by plaintiff-appellant's repeated bad faith in dealing with the court and that in forma pauperis status should not continue.

In light of the foregoing IT IS THEREFORE ORDERED that:

1. The Clerk of the Court shall forward this Order to the Ninth Circuit Court of Appeals in response to its Referral Notice, ECF No. 166, for application in Case No 17-17191.

IT IS SO ORDERED.

Dated: November 14, 2017

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE