

1 believes his claims have merit as to the other defendants in the case and should be decided on its
2 merits. See, e.g. ECF No. 147 at 9:22-2.

3 The undersigned has expressed concern that the two cases – Gifford v. Hornbrook
4 Community Services District, et al., 2:16-cv-00955-KHM-GGH, and the instant one seemed, at
5 best, to constitute using litigation for purely political purposes, and at worst, to bankrupt a tiny
6 services district through litigation expenses, in which defendant Barnes appears complicit.
7 Barnes’ action in appealing her dismissal from the litigation supports this concern and certainly
8 renders her attempt to appeal frivolous. For this reason this court should not grant in forma
9 pauperis standing to Barnes in this case.¹

10 IT IS HEREBY ORDERED that the Clerk shall correct RCF No. 176 to reflect that the
11 request was made by defendant Sharrel Barnes.

12 In light of the foregoing IT IS HEREBY RECOMMENDED that: Defendant’s request to
13 proceed on appeal in forma pauperis should be DENIED.

14 These findings and recommendations are submitted to the United States District Judge
15 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
16 after these findings and recommendations are filed, parties may file written objections with the
17 court. The document should be captioned “Objections to Magistrate Judge’s Findings and
18 Recommendations.” Failure to file objections within the specified time may waive the right to
19 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

20 Dated: November 27, 2017

21 /s/ Gregory G. Hollows
22 UNITED STATES MAGISTRATE JUDGE

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24
25
26 _____
27 ¹ Although research discloses myriad cases where a defendant has cross-appealed in order to
28 argue the district court had not gone far enough in its orders, cases are not found in which a
defendant has appealed to reverse a favorable judgment of dismissal, in order to thereby get him-
or herself reinstated as a defendant in an ongoing litigation.