

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
FOR THE EASTERN DISTRICT OF CALIFORNIA

RYAN J. DUERST,
Plaintiff,
v.
PLACER COURT, ET AL.,
Defendants.

No. 2:14-cv-1774 GEB AC PS

ORDER

On December 4, 2014, this court dismissed plaintiff’s lawsuit without leave to amend, and entered judgment. ECF Nos. 9 & 10. On December 22, 2014, this court denied plaintiff’s motion to alter or amend the judgment. ECF No. 13. Plaintiff has filed a notice of appeal (ECF No. 14), and the Ninth Circuit has referred the matter back to this court “for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith.” ECF No. 16 (citing 28 U.S.C. § 1915(a)(3) and Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of forma pauperis status is appropriate where district court finds the appeal to be frivolous)).

Plaintiff complains about orders entered against him in state Superior Court, including orders for child support and spousal support. He argues that the orders were wrong, and caused him to lose his home. The lawsuit was dismissed because he principally sued judicial officers for

1 their judicial acts.¹ See, e.g., Stump v. Sparkman, 435 U.S. 349, 355-56 (1978). This court is
2 aware of no good-faith, non-frivolous basis for an appeal of this ruling, as the complaint contains
3 only complaints about the judicial actions of judicial officers. No other basis for relief is alleged.
4 See Ellis v. U.S., 356 U.S. 674, 675 (1958) (“In the absence of some evident improper motive, the
5 applicant's good faith is established by the presentation of any issue that is not plainly frivolous”).

6 Accordingly, pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3)(A), the
7 court certifies that plaintiff's appeal is not taken in good faith.

8 Dated: January 9, 2015

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

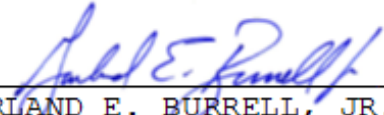
24

25

26

27

28



GARIAND E. BURRELL, JR.
Senior United States District Judge

¹ Although plaintiff also named non-judicial officers, he made no allegations against them.