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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY THOMAS SMITH,

Plaintiff,

v.

MATTHEW LANGFORD, et al.,

Defendants.

No. 2:14-cv-1916 JAM GGH PS

ORDER

Plaintiff is proceeding pro se in this action, referred to the undersigned pursuant to Local Rule 302(c)(21).

On July 9, 2015 the district court adopted this court’s findings and recommendations, granted the motions to dismiss filed by defendants, and entered judgment. (ECF Nos. 21, 22.) Thereafter, on August 6, 2015, plaintiff filed a notice of appeal as well as a motion to proceed in forma pauperis on appeal.<sup>1</sup> (ECF Nos. 23, 24.)

Federal Rule of Appellate Procedure 24 provides that “a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court.” Fed. R. App. P. 24(a)(1). Pursuant to 28 U.S.C. § 1915(a)(3), “[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.” The good faith standard is an

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<sup>1</sup> Plaintiff had paid the initial filing fee on opening this action.

1 objective one. Coppedge v. United States, 369 U.S. 438, 445 (1962). A plaintiff satisfies the  
2 “good faith” requirement if he or she seeks review of any issue that is “not frivolous.” Gardner v.  
3 Pogue, 558 F.2d 548, 551 (9th Cir. 1977) (quoting Coppedge, 369 U.S. at 445).

4 For the reasons stated in the May 27, 2015 findings and recommendations (see ECF No.  
5 18), adopted by the district judge on July 9, 2015 (ECF No. 21), the court finds that the instant  
6 appeal is not frivolous in regard to the impoundment of plaintiff’s vehicle. The court thus  
7 certifies that plaintiff’s appeal is taken in good faith on that issue.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Plaintiffs’ motion to proceed in forma pauperis on appeal (ECF No. 24) is GRANTED.

10 2. The Clerk of Court is directed to serve a copy of this order on plaintiff and on the  
11 Ninth Circuit Court of Appeals.

12 Dated: August 14, 2015

13 /s/ Gregory G. Hollows

14 UNITED STATES MAGISTRATE JUDGE

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