


1 Pogue, 558 F.2d 548, 551 (9th Cir. 1977) (quoting Coppedge, 369 U.S. at 455). For purposes of
2 § 1915, an appeal is frivolous if it lacks any arguable basis in law or fact. Neitzke v. Williams,
3 490 U.S. 319, 325, 327 (1989).

4 For the reasons stated in the magistrate judge's Findings and Recommendations (ECF No.
5 56), which the Court adopted in full on November 13, 2015 (ECF No. 59), the Court now finds
6 that Plaintiff's complaint is frivolous. The Court thus certifies that Plaintiff's appeal is frivolous
7 and that it is appropriate to revoke Plaintiff's in forma pauperis status for purposes of the appeal.

8 Accordingly, it is hereby ORDERED that the Clerk of Court is directed to notify the Ninth
9 Circuit Court of Appeals that the Court certifies, pursuant to Federal Rule of Appellate Procedure
10 24(a)(3)(A), that Plaintiff's appeal is not taken in good faith, and he must therefore seek further
11 authorization from the Court of Appeals pursuant to Rule 24(a)(5) to obtain leave to proceed in
12 forma pauperis on appeal.

13 IT IS SO ORDERED.

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15 Dated: January 14, 2016

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MORRISON C. ENGLAND, JR., CHIEF JUDGE
19 UNITED STATES DISTRICT COURT
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