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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

YASIR MEHMOOD,
Plaintiff,
v.
ANDRIS, et al.,
Defendants.

No. 2:15-cv-0043 JAM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, brought a qui tam action under the federal False Claims Act. Judgment was entered in this action on June 23, 2015. ECF No. 12. On June 30, 2015, plaintiff filed a notice of appeal.¹ ECF No. 15. He then proceeded to file a motion for leave to proceed in forma pauperis on appeal. ECF No. 17. Plaintiff did not seek or obtain in forma pauperis status prior to judgment in this case.

The Federal Rules of Appellate Procedure provide as follows:

[A] party who has been permitted to proceed in an action in the district court in forma pauperis . . . may proceed on appeal in forma pauperis without further authorization unless . . . the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed

Fed. R. App. P. 24(a). After review of plaintiff’s motion for leave to proceed in forma pauperis,

¹ Since plaintiff is proceeding pro se, he is afforded the benefit of the prison mailbox rule. See Houston v. Lack, 487 U.S. 266, 276 (1988).

1 the court finds, nunc pro tunc, that plaintiff is entitled to in forma pauperis status in the district
2 court. However, after review of the record herein, the court finds that plaintiff's appeal is not
3 taken in good faith. Accordingly, plaintiff's motion for leave to proceed in forma pauperis on
4 appeal is denied.

5 In accordance with the above, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff is, nunc pro tunc, granted in forma pauperis status in the district court.
- 7 2. Plaintiff's motion to proceed in forma pauperis on appeal (ECF No. 17) is denied. See
8 Fed. R. App. P. 24(a).

9 DATED: August 19, 2015

10 /s/ John A. Mendez_____

11 John A. Mendez, U. S. District Court Judge

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