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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEXTER BROWN,  
  
                                Plaintiff,  
  
                                v.  
  
EDMUND G. BROWN, JR., et al.  
  
                                Defendants.

No. 2:15-cv-1787 JAM KJN P

ORDER

Plaintiff, a state prisoner proceeding in forma pauperis, sought relief pursuant to 42 U.S.C. § 1983. Judgment was entered in this action on January 18, 2017. On February 17, 2017, plaintiff filed a notice of appeal. On March 2, 2017, the Ninth Circuit Court of Appeals referred this matter 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.

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 objective one, and good faith is demonstrated when an individual “seeks appellate review of any issue not frivolous.” See Coppedge v. United States, 369 U.S. 438, 445, 82 S. Ct. 917 (1962). For purposes of 28 U.S.C. § 1915, an appeal is frivolous if it lacks any arguable basis in law or fact. Neitzke v. Williams, 490 U.S. 319, 325, 109 S. Ct. 1827 (1989).

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After review of the record herein, the court finds that plaintiff's appeal is not taken in good faith. Accordingly, IT IS HEREBY ORDERED that plaintiff's in forma pauperis status (ECF No. 9) is revoked.

DATED: March 29, 2017

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE