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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL AARON WITKIN,
Plaintiff,
v.
KEVIN M., et al.,
Defendants.

No. 2:15-cv-2493 KJM CKD P

ORDER

Plaintiff, a state prisoner proceeding in forma pauperis, sought relief pursuant to 42 U.S.C. § 1983. Judgment was entered on September 27, 2016. On March 28, 2017, plaintiff filed a notice of appeal. On March 31, 2017, the United States Court of Appeals for the Ninth Circuit referred this matter to the district 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. 26.)

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 the record herein, the court determines that plaintiff’s appeal is frivolous and his in forma pauperis status on appeal should be revoked. This filing

1 constitutes notification to plaintiff and the Ninth Circuit Court of Appeals.

2 IT IS SO ORDERED.

3 Dated: April 10, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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