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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HODA SAMUEL,

Defendant.

No. 2:15-mc-16-JAM-KJN

No. 2:15-mc-17-JAM-KJN

No. 2:15-mc-99-JAM-KJN

ORDER

In each of the above-captioned actions, defendant Hoda Samuel filed motions requesting the district court to appoint her counsel for her appeals pending in the Ninth Circuit Court of Appeals, or in the alternative, to order the United States to cease garnishment of her retirement account so that she can retain her own counsel. Defendant’s motions are DENIED. Such denial is without prejudice to defendant moving for appointment of counsel in the Ninth Circuit Court of Appeals.¹

Defendant also filed a motion to proceed *in forma pauperis* on appeal. Federal Rule of Appellate Procedure 24 provides that “a party to a district-court action who desires to appeal in


¹ According to the district court’s records, the case numbers for the garnishment appeals in the Ninth Circuit are 16-15433, 16-15434, and 16-15435.

1 forma pauperis must file a motion in the district court.” Fed. R. App. P. 24(a)(1). Pursuant to 28
2 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken in forma pauperis if the trial court certifies in
3 writing that it is not taken in good faith.” The good faith standard is an objective one. Coppedge
4 v. United States, 369 U.S. 438, 445 (1962). A plaintiff satisfies the “good faith” requirement if he
5 or she seeks review of any issue that is “not frivolous.” Gardner v. Pogue, 558 F.2d 548, 551 (9th
6 Cir. 1977) (quoting Coppedge, 369 U.S. at 445). For the reasons discussed in the court’s
7 comprehensive February 17, 2016 order filed in each of the above-captioned actions, the court
8 finds that defendant’s appeals are frivolous and thus certifies that the appeals are not taken in
9 good faith. Accordingly, the motion to proceed *in forma pauperis* is DENIED. Such denial is
10 without prejudice to defendant moving to proceed *in forma pauperis* in the Ninth Circuit Court of
11 Appeals.

12 The Clerk of Court shall serve a copy of this order on the Ninth Circuit Court of Appeals.

13 IT IS SO ORDERED.

14 Dated: April 26, 2016

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17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE
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