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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL A. VICTORY,
Plaintiff,
v.
BOARD OF PAROLE HEARINGS, et al.,
Defendants.

No. 2:16-cv-0997 WBS CKD P

ORDER

Plaintiff, a state prisoner proceeding in forma pauperis, sought relief pursuant to 42 U.S.C. § 1983. Judgment was entered on April 13, 2017. On May 8, 2017, plaintiff filed a notice of appeal. On May 23, 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. 29.)


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).

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In her Findings and Recommendations of November 4, 2016, (Docket No. 14), the Magistrate Judge found plaintiff's claim frivolous. This court adopted that finding in its order of April 13, 2017. (Docket No. 25). The court has no reason to change that finding. Accordingly, the court determines that plaintiff's appeal is frivolous and his in forma pauperis status on appeal should be revoked. The Clerk of this court shall forward a copy of this Order to the Clerk of the United States Court of Appeals for the Ninth Circuit.

IT IS SO ORDERED.

Dated: May 25, 2017


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE