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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TUANJA EDWARD ANDERSON,
Plaintiff,
v.
M. VOONG, et al.,
Defendants.

No. 2:16-cv-2948 KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff consented to the jurisdiction of the undersigned. (ECF No. 4.)

On January 23, 2017, the undersigned dismissed plaintiff’s complaint with thirty days to file an amended complaint. (ECF No. 5.) Thirty days passed and plaintiff did not file an amended complaint. Accordingly, on March 16, 2017, this action was dismissed based on plaintiff’s failure to file an amended complaint and judgment was entered. (ECF Nos. 8, 9.)

Plaintiff appealed to the Ninth Circuit Court of Appeals. (ECF No. 10.) On March 31, 2017, the Ninth Circuit Court of Appeals referred this matter to the undersigned to determine whether plaintiff’s in forma pauperis status should continue for the appeal or whether the appeal was frivolous or taken in bad faith. See 28 U.S.C. § 1915(a)(3); see also Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of forma pauperis status is appropriate where district court finds appeal to be frivolous).

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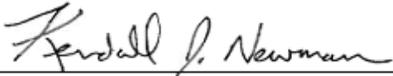
The undersigned dismissed this action based on plaintiff's failure to file an amended complaint within thirty days. For this reasons, plaintiff's appeal is frivolous.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's in forma pauperis status for appeal is revoked;
2. The Clerk of the Court is directed to serve this order on the Ninth Circuit Court of Appeals.

Dated: April 5, 2017

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE