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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD ANTHONY EVANS,  
Plaintiff,  
v.  
SOLANO COUNTY SHERIFF,  
Defendant.

No. 2:17-cv-0020-KJM-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in this action brought under 42 U.S.C. § 1983. Plaintiff’s case was dismissed on October 10, 2019 and is on appeal to the U.S. Court of Appeals for the Ninth Circuit. ECF Nos. 38, 44. Currently before this court is the Court of Appeals’ request to the District Court to determine whether plaintiff’s in forma pauperis status should continue on appeal and plaintiff’s motion to stay deduction of court fees from his prison trust account. ECF Nos. 45, 46.

In Forma Pauperis Status on Appeal

In its orders screening plaintiff’s various complaints, the court informed plaintiff that he had impermissibly filed his claims in numerous pleadings, had joined unrelated claims, and had not made clear who the defendants were. ECF Nos. 13, 20. Plaintiff was given several opportunities to file a complaint that complied with the Federal Rules of Civil Procedure and stated a cognizable claim. See ECF Nos. 13, 20, 33. When he again filed a complaint that joined unrelated claims, failed to clearly identify all but one defendant, and failed to state a cognizable

1 claim against that defendant, the court dismissed the case. Under these circumstances, the court  
2 must conclude that plaintiff's appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3).

3 Plaintiff's Motion Regarding Court Fee Deductions

4 Under 28 U.S.C. § 1915(b), prisoners who proceed in forma pauperis must nevertheless  
5 pay the court filing fee through monthly deductions from their institutional trust accounts  
6 whenever those accounts have a balance greater than \$10. Plaintiff appears to assert that his  
7 institution has changed that threshold to \$25 and asks the court to order CDCR to stay the  
8 deductions from his account "pending an investigation" into the change. ECF No. 46. Plaintiff  
9 cites no authority in support of his request. Moreover, even if true, plaintiff's claim about the  
10 threshold change would appear to *benefit* plaintiff rather than harm him. Absent any authority or  
11 reason for providing plaintiff with the relief he asks, the court must deny plaintiff's request.

12 Summary and Recommendation

13 Accordingly, it is hereby RECOMMENDED that the United States District Judge  
14 assigned to this case certify that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3)  
15 and deny plaintiff's "motion for stay" (ECF No. 46).

16 These findings and recommendations are submitted to the United States District Judge  
17 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
18 after being served with these findings and recommendations, any party may file written  
19 objections with the court and serve a copy on all parties. Such a document should be captioned  
20 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections  
21 within the specified time may waive the right to appeal the District Court's order. *Turner v.*  
22 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

23 DATED: July 22, 2020.

24   
25 EDMUND F. BRENNAN  
26 UNITED STATES MAGISTRATE JUDGE