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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY WIMBERLY,
Plaintiff,
v.
UNITED STATES OF AMERICA, et al.,
Defendants.

No. 2:17-cv-0858 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. 5.)

In this action, plaintiff sought monetary relief against defendants for past wrongs in connection with the institution of slavery. On May 17, 2017, this action was dismissed and judgment was entered. (ECF Nos. 6, 8.) Plaintiff filed a notice of appeal to the Ninth Circuit Court of Appeals. (ECF No. 11).

On June 28, 2017, the Ninth Circuit referred this action to the undersigned to determine whether 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 in forma pauperis status is appropriate where district court finds the appeal to be frivolous).

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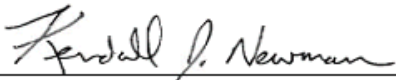
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For the reasons stated in the May 17, 2017 order, the undersigned finds that plaintiff's appeal is frivolous.

Accordingly, IT IS HEREBY ORDERED that:

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

Dated: June 30, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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