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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

E. DRAKE,  
  
Plaintiff,  
  
v.  
  
THE NIELLO COMPANY, NIELLO  
IMPORTS OF ROCKLIN, INC., NIELLO  
PERFORMANCE MOTORS INC.,  
NIELLO MOTOR CAR COMPANY AND  
SHIPPING EXPERTS INC.,  
  
Defendants.

No. 2:17-cv-1036-JAM-EFB PS

ORDER

Plaintiff was previously granted leave to proceed *in forma pauperis*. ECF No. 9. Judgment was entered in this action on April 12, 2018. ECF No. 111. Plaintiff subsequently filed a notice of appeal and a request to proceed in forma pauperis.

The Federal Rules of Appellate Procedure provide as follows:

A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization unless the district court . . . certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis . . . .

Fed. R. App. P. 24(a)(3). This court has not certified that plaintiff’s appeal is not taken in good faith and has not otherwise found that plaintiff is not entitled to proceed on appeal in forma pauperis.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis on appeal (ECF No. 114) is denied as unnecessary.

Dated: May 31, 2018.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE