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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEON HARDIN,
Plaintiff,
v.
D. BAUGHMAN, et al.,
Defendants.

No. 2:17-cv-01340-MCE-AC

ORDER

On April 5, 2019, this action was voluntarily dismissed because the parties had reached a settlement. ECF No. 32. On August 27, 2021, Plaintiff, who had proceeded without counsel and in forma pauperis in the district court, filed a notice of appeal. ECF No. 53. Thereafter, on November 8, 2021, the Ninth Circuit Court of Appeals referred this matter to the district court for the limited purpose of determining whether in forma pauperis status should continue for the appeal, or whether the appeal is frivolous or taken in bad faith. ECF No. 58.

“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 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 appropriate where district court finds the appeal to be frivolous). The good faith standard under 28 U.S.C. § 1915 is an objective one. Coppedge v. United States,

1 369 U.S. 438, 445 (1962). A plaintiff satisfies the “good faith” requirement if he or she
2 seeks review of any issue that is “not frivolous.” Gardner v. Pogue, 558 F.2d 548, 551
3 (9th Cir. 1977) (quoting Coppedge, 369 U.S. at 445).

4 Given the voluntary dismissal of this action and the baseless nature of Plaintiff’s
5 attempts to withdraw from his settlement, the Court finds that the instant appeal is
6 frivolous. The Court thus certifies that Plaintiff’s appeal is not taken in good faith, and
7 concludes that Plaintiff’s in forma pauperis status should not continue for purposes of the
8 appeal.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff’s in forma pauperis status is REVOKED.
- 11 2. The Clerk of Court is directed to serve a copy of this Order on Plaintiff and
12 on the Ninth Circuit Court of Appeals.

13 IT IS SO ORDERED.

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15 DATED: November 18, 2021

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20 MORRISON C. ENGLAND, JR.
21 SENIOR UNITED STATES DISTRICT JUDGE
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