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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MICHAEL HINES,  
  
                                Plaintiff,  
  
                v.  
  
VA MATHER MEDICAL CENTER,  
  
                                Defendant.

No. 2:17-CV-1634-DMC

ORDER

Plaintiff, who is proceeding pro se, brought this civil action. Final judgment was entered on February 7, 2019, and plaintiff has appealed. The matter was referred to the undersigned by the Ninth Circuit Court of Appeals to certify whether in forma pauperis status should continue on appeal or whether the appeal is frivolous or taken in bad faith, in which case in forma pauperis status would be revoked. See 28 U.S.C. § 1915(a)(3); see also Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002). Having reviewed the entire file, the court concludes in forma pauperis status should be revoked because plaintiff’s appeal is frivolous and taken in bad faith. In particular, the court notes plaintiff failed to oppose defendant’s motion arguing the action should be dismissed for failure to exhaust administrative remedies under the Federal Tort Claims Act. As such, this court’s lack of jurisdiction was undisputed.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's in forma pauperis status should be revoked; and
2. The Clerk of the Court is directed to serve a copy of this order on the Pro Se Unit at the Ninth Circuit Court of Appeals.

Dated: March 26, 2019



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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE