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

DAI NGUYEN,
Plaintiff,
v.
JOHN STOLLER, et al.,
Defendants.

No. 2:23-CV-1157-WBS-DMC-P
Court of Appeals No. 24-5142

ORDER

Plaintiff, a prisoner proceeding pro se, brought this civil rights action pursuant to 42 U.S.C. § 1983. Final judgment was entered on July 22, 2024, and this case is closed. 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, for the reasons discussed in detail in the Magistrate Judge’s Findings and Recommendations of June 17, 2024 (Docket No. 19), Plaintiff’s appeal from this Court’s final order dismissing the action for failure to state a claim is frivolous.

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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: August 29, 2024



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE