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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONNA HINES,

No. C-10-2813 EMC

Plaintiff,

v.

**ORDER DENYING PLAINTIFF’S  
APPLICATION TO PROCEED *IN  
FORMA PAUPERIS* ON APPEAL**

CALIFORNIA PUBLIC UTILITIES  
COMMISSION, *et al.*,

**(Docket No. 88)**

Defendants.

Plaintiff Donna Hines has submitted an application for leave to proceed *in forma pauperis* on appeal to the Ninth Circuit Court of Appeals. Docket No. 88; *see* Fed. R. App. P. 24(a). Ms. Hines seeks to appeal this Court’s April 5, 2011 Order granting the California Public Utilities Commission’s motion to dismiss, Docket No. 44, and June 28, 2011 Order denying Plaintiff’s motion for reconsideration, Docket No. 78.

The Court may not grant an application to proceed *in forma pauperis* if the appeal is “not taken in good faith.” 28 U.S.C. § 1915(a)(3). “‘Not taken in good faith’ means ‘frivolous.’” *Gray v. Hamilton*, No. C 10-4614, 2010 WL 4281812 (N.D. Cal. Oct. 25, 2010) (quoting *Ellis v. United States*, 356 U.S. 674, 674-75, 78 S.Ct. 974, 2 L.Ed.2d 1060 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002)). In this case, Plaintiff’s appeal is premature because the Court has not yet entered final judgment. *See* 28 U.S.C. §§ 1291, 1292(b). Another Defendant remains as to whom the Court has not entered judgment, and Plaintiff has not requested, nor has the Court

1 directed, entry of a final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

2 Therefore, the Court hereby **DENIES** Plaintiff's application without prejudice.

3 This order disposes of Docket No. 88.


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5 IT IS SO ORDERED.

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7 Dated: August 1, 2011

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EDWARD M. CHEN  
United States District Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONNA HINES,

No. C-10-2813 EMC

Plaintiff,

v.

**CERTIFICATE OF SERVICE**

CALIFORNIA PUBLIC UTILITIES  
COMMISSION, *et al.*,

Defendants.

\_\_\_\_\_/

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Donna Hines  
268 Bush Street, #3204  
San Francisco, CA 94104  
415-205-3377

Dated: August 1, 2011

RICHARD W. WIEKING, CLERK

By:           /s/ Leni Doyle            
Leni Doyle  
Deputy Clerk