

United States District Court  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SIDNEY B. STEWART,

Plaintiff,

v.

MONOGRAM BIOSCIENCES,

Defendant.

No. C 11-01181 CRB

**ORDER DECLINING TO RULE ON  
IN FORMA PAUPERIS STATUS FOR  
APPEAL**

The Court is in receipt of a Referral Notice from the Ninth Circuit Court of Appeals, directing this Court to determine whether Plaintiff’s *in forma pauperis* status should continue for his appeal, or whether his appeal is frivolous or taken in bad faith. See Referral Notice (dkt. 74). The Court declines to make such a determination at this time, however, as the Court believes that Plaintiff has paid his docket fee and is therefore not seeking *in forma pauperis* status on appeal. See Notice of Appeal Notification Form (Amended) (dkt. 72) (“Date Docket Fee Paid: 2/27/12 (receipt # 34611071015)”)<sup>1</sup>. Of course, if the Ninth Circuit concludes that Plaintiff really is seeking *in forma pauperis* status on appeal, this Court will

//

//


\_\_\_\_\_

<sup>1</sup> To the extent that there is a misunderstanding about whether Plaintiff paid the docket fee, it is likely due to the original (non-amended) version of the Notice of Appeal Notification Form filed by the Clerk’s Office of this Court, which did not include any information for “Date Docket Fee Paid.” See Original Notice (dkt. 70).

1 promptly make the requested determination.

2 **IT IS SO ORDERED.**

3  
4 Dated: March 7, 2012

  
\_\_\_\_\_  
CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28