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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIARICHARD J. VIEIRA,  
Plaintiff,

No. C 11-2672 SI (pr)

**ORDER**

v.


SAN QUENTIN WARDEN  
M. MARTEL,  
Defendant.

Plaintiff has filed a notice of appeal from the court's order of dismissal. The court has received from the U.S. Court of Appeals a referral notice asking whether *in forma pauperis* status should continue on appeal or whether the appeal is frivolous or taken in bad faith. The court now certifies that an appeal by plaintiff would be frivolous and determines that *in forma pauperis* status shall not continue on appeal for plaintiff.

Plaintiff's "motion for transfer of certified record/docket sheet pursuant to F.R.A.P. 10-11" is GRANTED. (Docket # 16.) The clerk shall transmit the case file to the U.S. Court of Appeals. All further motions should be made to the U.S. Court of Appeals.

IT IS SO ORDERED.

Dated: November 9, 2011

  
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SUSAN ILLSTON  
United States District Judge