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


|                     |   |                              |
|---------------------|---|------------------------------|
| HAROLD V. FRANKLIN, | ) | No. C 12-0703 JSW (PR)       |
|                     | ) |                              |
| Plaintiff,          | ) | <b>ORDER REVOKING IN</b>     |
|                     | ) | <b>FORMA PAUPERIS STATUS</b> |
| v.                  | ) |                              |
|                     | ) |                              |
| K. FLORES, et al.,  | ) |                              |
|                     | ) |                              |
| Defendants.         | ) |                              |

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Plaintiff, a California prisoner, has filed this pro se civil rights complaint under 42 U.S.C. § 1983. The complaint was dismissed with leave to amend. The amended complaint continued the same deficiency as the original complaint. Accordingly, the case was dismissed without prejudice. Plaintiff has appealed. The Court of Appeals has referred the case to this Court for a determination of whether inform pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith. See 28 U.S.C. § 1915(a)(3); see also *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). The Court finds that the appeal is frivolous and consequently determines that in forma pauperis status should be revoked for purposes of the appeal. The Clerk shall send a copy of this order to the Court of Appeals.

IT IS SO ORDERED.

DATED: July 11, 2012

  
 \_\_\_\_\_  
 JEFFREY S. WHITE  
 United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 HAROLD V FRANKLIN,  
6 Plaintiff,

Case Number: CV12-00703 JSW

7 **CERTIFICATE OF SERVICE**

8 v.

9 K FLORES et al,  
10 Defendant.

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
12 District Court, Northern District of California.

13 That on July 11, 2012, I SERVED a true and correct copy(ies) of the attached, by placing  
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office  
16 delivery receptacle located in the Clerk's office.

17 Harold V. Franklin AA6298  
18 California State Prison - Corcoran  
19 4001 King Avenue  
20 P.O. Box 8800  
21 Corcoran, CA 93212-8800

22 Dated: July 11, 2012



23 Richard W. Wieking, Clerk  
24 By: Jennifer Ottolini, Deputy Clerk  
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