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

JAMES D. SMITH,

Plaintiff,

No. C 12-02463 JSW

v.

ATTORNEY GENERAL OF CALIFORNIA  
KAMALA D. HARRIS, et al.,

Defendants.

**ORDER REVOKING  
APPLICATION TO PROCEED *IN  
FORMA PAUPERIS* AND  
INSTRUCTIONS TO CLERK**

On May 6, 2013, the United States Court of Appeals for the Ninth Circuit issued a Referral Notice to this Court to determine whether Plaintiff's *in forma pauperis* status should continue on his appeal. The Court concludes that the appeal is frivolous, and it REVOKES Plaintiff's *in forma pauperis* status. See 28 U.S.C. § 1915(a)(3); see also *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). The Clerk shall provide a copy of this Order to the Court of Appeals.

**IT IS SO ORDERED.**

Dated: May 8, 2013

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JAMES D SMITH,  
Plaintiff,

Case Number: CV12-02463 JSW

**CERTIFICATE OF SERVICE**

v.


OFFICE OF THE ATTORNEY  
GENERAL et al,  
Defendant.

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

That on May 8, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James D. Smith  
705 N. State Street #547  
Ukiah, CA 95482

Dated: May 8, 2013

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