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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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7 NATHANIEL SOBAYO,

No. C 13-01804 SI

8 Plaintiff,

**ORDER DENYING MOTION FOR
LEAVE TO PROCEED IN FORMA
PAUPERIS ON APPEAL**

9 v.

10 PUBLIC STORAGE,

11 Defendant.
12 _____/

13 Plaintiff's complaint was dismissed without leave to amend and judgment entered in favor of
14 defendant on July 26, 2013. Plaintiff has filed a motion for leave to proceed *in forma pauperis* ("IFP")
15 on appeal (Docket No. 28). That motion is DENIED.

16 The record shows no valid grounds on which an appeal can be based. Consequently, the Court
17 certifies that any appeal taken from the order of dismissal and judgment of this action will not be taken
18 in good faith and is therefore frivolous. Fed. R. App. P. ("FRAP") 24(a)(3)(A); *Ellis v. United States*,
19 356 U.S. 674, 674-75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). The
20 Clerk shall forthwith notify plaintiff and the Court of Appeals of this order. *See* FRAP 24(a)(4).
21 Plaintiff may file a motion for leave to proceed IFP on appeal in the Court of Appeals within thirty days
22 after service of notice of this order. *See* FRAP 24(a)(5). Any such motion "must include a copy of the
23 affidavit filed in the district court and the district court's statement of reasons for its action." *Id.*

24 The Clerk shall terminate Docket No.28.

25 **IT IS SO ORDERED.**

26 Dated: August 15, 2013



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SUSAN ILLSTON
United States District Judge