

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DENNIS GARDNER,  
Plaintiff,

v.

J. JOHANTGEN,  
Defendant.

Case No. [13-cv-03193-WHO](#) (PR)

**ORDER REVOKING PLAINTIFF'S  
IN FORMA PAUPERIS STATUS**

This federal civil rights action is on appeal. The Court of Appeals has referred the matter to this Court for a determination whether plaintiff Dennis Gardner's *in forma pauperis* ("IFP") status should continue for this appeal. This Court determines that it should not. There are no valid grounds on which an appeal can be based. Consequently, the Court certifies that any appeal taken from the order of dismissal and judgment of this action will not be taken in good faith and is therefore frivolous. Fed. R. App. P. 24(a)(3)(A); *Ellis v. United States*, 356 U.S. 674, 674-75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). Accordingly, Gardner's IFP status is hereby REVOKED.

The Clerk shall forthwith notify Gardner and the Court of Appeals of this order. See Fed. R. App. P. 24(a)(4). Gardner may file a motion for leave to proceed IFP on appeal in the Court of Appeals within thirty days after service of notice of this order. See Fed. R. App. P. 24(a)(5). Any such motion "must include a copy of the affidavit filed in the district court and the district court's statement of reasons for its action." *Id.*

**IT IS SO ORDERED.**

**Dated:** September 24, 2015

  
WILLIAM H. ORRICK  
United States District Judge