United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

COLLEEN DENISE WALKER,

Plaintiff,

v.

CA EMPLOYMENT DEVELOPMENT DEPT.,

Defendant.

Case No. 17-cv-00071-JCS

**ORDER TO SHOW CAUSE WHY IN FORMA PAUPERIS STATUS SHOULD NOT BE REVOKED ON APPEAL**

Plaintiff Colleen Denise Walker, pro se and in forma pauperis, filed this action alleging discrimination by her former employer. The Court reviewed Walker's first amended complaint sua sponte pursuant to 28 U.S.C. § 1915 and dismissed with leave to amend for failure to state a claim, holding that, among other deficiencies, no factual allegation of that complaint plausibly supported the conclusion that the employer took any adverse action *because Walker was a member of a protected class*. Walker filed a second amended complaint, but the Court held that she once again failed to include such allegations, and dismissed without leave to further amend.

Walker has filed a notice of appeal of the Court's order dismissing the action and seeks to maintain her in forma pauperis status on appeal. The Ninth Circuit referred the matter to this Court to determine "whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith." *Walker v. Emp't Dev. Dep't*, No. 17-16486, ECF Doc. No. 2 (9th Cir. Aug. 1, 2017) (citing 28 U.S.C. § 1915(a)(3); *Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002)).

There is no indication of bad faith. As for whether the appeal is frivolous, the Court is not aware of any error or basis for disagreement in its previous order that would support an appeal, but without knowing the arguments that Walker intends to raise, the Court hesitates to presume that any such argument would be frivolous. Walker is therefore ORDERED TO SHOW CAUSE why

her in forma pauperis status should not be revoked for the purpose of her appeal, by filing a short statement of the arguments she intends to raise on appeal (not exceeding five pages) no later than August 16, 2017. The Court finds the matter suitable for resolution without oral argument and declines to set a hearing.

Walker, who is not represented by counsel, is encouraged to consult with the Federal Pro Bono Project's Legal Help Center in either of the Oakland or San Francisco federal courthouses for assistance. The San Francisco Legal Help Center office is located in Room 2796 on the fifteenth floor at 450 Golden Gate Avenue, San Francisco, California. The Oakland office is located in Room 470-S on the fourth floor at 1301 Clay Street, Oakland, California. Appointments can be made by calling (415) 782-8982 or signing up in the appointment book located outside either office, and telephone appointments are available. Lawyers at the Legal Help Center can provide basic assistance to parties representing themselves but cannot provide legal representation.

**IT IS SO ORDERED.**

Dated: August 2, 2017

JOSEPH C. SPERO
Chief Magistrate Judge

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