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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 ALISON M. ABELS,

9 Plaintiff,

10 vs.

11 BANK OF AMERICA, N.A., et al.,

12 Defendants.
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Case No.: 11-cv-208 YGR

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

15 Plaintiff Alison Abels (“Abels”) filed a Motion to Proceed *In Forma Pauperis* in connection
16 with her Notice of Appeal on January 13, 2013. (*See* Docket Nos. 131 [“Motion”], 132 [“Notice of
17 Appeal”].) Rule 24 of the Federal Rules of Appellate Procedure provides that a party seeking to
18 appeal *in forma pauperis* must file a motion in the district court which includes an affidavit that:

- 19 (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's
20 inability to pay or to give security for fees and costs;
21 (B) claims an entitlement to redress; and
(C) states the issues that the party intends to present on appeal.

22 Fed. R. App. P. 24(a)(1). The district court may deny the motion to proceed *in forma pauperis* if it
23 finds that the appeal is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(2).

24 First, Plaintiff’s Motion does not comply with the requirements of Rule 24 as it does not state
25 the issues that she intends to present on appeal, but instead simply indicates that she is appealing the
26 Court’s Order of January 3, 2013.

27 More significantly, Plaintiff has failed to allege a cognizable claim or to offer any evidence in
28 support of her claims. Plaintiff filed her original complaint January 13, 2011, alleging claims based

1 upon the origination of her home mortgage, including that the loan was improperly securitized, that
2 her income was overstated on her loan application without her knowledge or consent, and that the
3 loan she was actually sold had different terms than what she was led to believe it would have.
4 Despite being given two opportunities to amend, Plaintiff's complaint was ultimately dismissed
5 against Defendants Bank of America, N.A., Recontrust, and Realtime for failure to state a viable
6 claim. In addition, Plaintiff's request for a temporary restraining order was denied because she failed
7 to offer any evidence in support of her allegations. (Dkt. No. 77.) Similarly, although Plaintiff took
8 the defaults of Defendants Triton Realty Group, Inc. and Marissa Moran, and was directed to file
9 motions for default judgment, those motions (Dkt. Nos. 114 and 115) were not supported by any
10 evidence against these defendants and the Court dismissed them accordingly.

11 In short, Plaintiff has repeatedly shown that her claims are legally defective and factually
12 unsupported. Therefore, the Court finds and **CERTIFIES** that the appeal is frivolous and not taken in
13 good faith, and **DENIES** the Application to Proceed *In Forma Pauperis* on that basis.

14 The Clerk shall forthwith notify petitioner and the Court of Appeals of this order. *See* FRAP
15 24(a)(4). Petitioner may file a motion for leave to proceed *in forma pauperis* on appeal in the Court
16 of Appeals within thirty days after service of notice of this order. *See* FRAP 24(a)(5).

17 **IT IS SO ORDERED.**

18 Date: January 23, 2013

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20 YVONNE GONZALEZ ROGERS
21 UNITED STATES DISTRICT COURT JUDGE
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