

1
2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA

5 No. C 11-2644 YGR (PR)

6 JOSE LOPEZ,

7 Plaintiff,

**ORDER REVOKING IN FORMA
8 PAUPERIS STATUS**

9 v.

10 MATTHEW CATE, et al.,

11 Defendants.

12 This closed federal civil rights action, which is currently on appeal, was filed by a *pro*
13 *se* state prisoner. The Court of Appeals has referred the matter to this Court for a
14 determination whether plaintiff's *in forma pauperis* ("IFP") status should continue for this
15 appeal. This Court determines that it should not. There are no valid grounds on which an
16 appeal can be based. Consequently, the Court certifies that any appeal taken from the order
17 of dismissal and judgment of this action will not be taken in good faith and is therefore
18 frivolous. Fed. R. App. P. ("FRAP") 24(a)(3)(A); *Ellis v. United States*, 356 U.S. 674, 674-
19 75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). Accordingly,
20 plaintiff's IFP status is hereby REVOKED. Plaintiff may file a motion for leave to proceed
21 IFP on appeal in the Court of Appeals within thirty days after service of notice of this order.
22 See FRAP 24(a)(5). Any such motion "must include a copy of the affidavit filed in the
23 district court and the district court's statement of reasons for its action." *Id.* The Clerk shall
24 forthwith notify plaintiff and the Court of Appeals of this order. See FRAP 24(a)(4).

25 **IT IS SO ORDERED.**

26 DATED: January 7, 2013

27 
28 YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

No. C 11-2644 YGR (PR)
ORDER REVOKING IFP STATUS