

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 No. C 11-4283 YGR (PR)

4 JOHN M. SCHOPPE-RICO,

5 Plaintiff,

**ORDER REVOKING IN FORMA
PAUPERIS STATUS**

6 v.

**ORDER DENYING REQUEST FOR
RETURN OF FILINGS**

7 J.L. RUPERT, et al.,

8 Defendants.

9
10 This closed federal civil rights action, which is currently on appeal, was filed by a *pro*
11 *se* state prisoner. The Court of Appeals has referred the matter to this Court for a
12 determination whether plaintiff's *in forma pauperis* ("IFP") status should continue for this
13 appeal. This Court determines that it should not. There are no valid grounds on which an
14 appeal can be based. Consequently, the Court certifies that any appeal taken from the order
15 of dismissal and judgment of this action will not be taken in good faith and is therefore
16 frivolous. Fed. R. App. P. ("FRAP") 24(a)(3)(A); *Ellis v. United States*, 356 U.S. 674, 674-
17 75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). Accordingly,
18 plaintiff's IFP status is hereby REVOKED. The Clerk shall forthwith notify plaintiff and the
19 Court of Appeals of this order. *See* FRAP 24(a)(4). Plaintiff may file a motion for leave to
20 proceed IFP on appeal in the Court of Appeals within thirty days after service of notice of
21 this order. *See* FRAP 24(a)(5). Any such motion "must include a copy of the affidavit filed
22 in the district court and the district court's statement of reasons for its action." *Id.* Plaintiff's
23 motion for the return of his filings (Docket No. 81) is DENIED. A copy request form will be
24 sent to plaintiff. The Clerk shall terminate Docket No. 81.

25 **IT IS SO ORDERED.**

26 DATED: November 13, 2012

27 
YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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ORDER REVOKING IFP STATUS