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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAEDWARD V. RAY,
Plaintiff,
v.
A. LEAL, et al.,
Defendants.Case No. [11-cv-05550-YGR](#) (PR)**ORDER REVOKING IN FORMA
PAUPERIS STATUS**

This closed federal civil rights action was filed by a pro se state prisoner. Summary judgment was granted in favor of Defendants, and judgment entered on March 31, 2015. Dkts. 57, 58. On January 28, 2016, the Ninth Circuit Court of Appeals affirmed this Court's ruling. Dkt. 66. On April 26, 2016, the Ninth Circuit denied Petitioner's petition for panel rehearing. Dkt. 69. The mandate issued on May 6, 2016. Dkt. 70.

On July 29, 2016, this Court denied Plaintiff's motion to vacate the judgment. Dkt. 72.

On August 22, 2016, Plaintiff filed another Notice of Appeal. Dkt. 73.

The Ninth Circuit has referred the matter to this Court for a determination whether Plaintiff'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 its March 31, 2015 Order Granting Defendants' Motion for Summary Judgment and from the accompanying judgment of this action will not be taken in good faith and is therefore frivolous. Fed. R. App. P. ("FRAP") 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, Plaintiff's IFP status is hereby REVOKED.

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The Clerk of the Court shall forthwith notify Plaintiff and the Ninth Circuit of this Order. See FRAP 24(a)(4). Plaintiff may file a motion for leave to proceed IFP on appeal in the Ninth Circuit within **thirty (30) days** after service of notice of this Order. See FRAP 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: October 4, 2016


YVONNE GONZALEZ ROGERS
United States District Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDWARD V. RAY,
Plaintiff,
v.
A. LEAL, et al.,
Defendants.

Case No.11-cv-05550-YGR

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 10/4/2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edward V. Ray ID: F-73521
P.O. Box 441
Corona, CA 92878

US Court of Appeals
95 Seventh Street
San Francisco, CA 94103

Dated: 10/4/2016

Susan Y. Soong
Clerk, United States District Court

By: Frances Stone
Frances Stone, Deputy Clerk to the
Honorable YVONNE GONZALEZ ROGERS