

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C 12-0315 YGR (PR)

EDWARD V. RAY III,

Plaintiff,

v.

ERIC VON GELDERN, et al.,

Defendants.

**ORDER REVOKING IN FORMA
PAUPERIS STATUS;**

**ORDER DENYING MOTION FOR
RECONSIDERATION**

United States District Court
For the Northern District of California

This closed federal civil rights action, which is currently on appeal, was filed by a *pro se* state prisoner. The Court of Appeals 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 the order of dismissal and 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. The Clerk shall forthwith notify plaintiff and the Court of Appeals of this order. See FRAP 24(a)(4). Plaintiff may file a motion for leave to proceed IFP on appeal in the Court of Appeals within thirty 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.* Plaintiff's motion for reconsideration (Docket No. 11) is DENIED because plaintiff filed his appeal before moving for reconsideration. The Clerk shall terminate Docket No. 11.

IT IS SO ORDERED.

DATED: November 14, 2012



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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ORDER REVOKING IFP STATUS