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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 EARL WARNER,
7 Plaintiff,

8 v.

9 RABBI Y. FRIEDMAN, et al.,
10 Defendants.
11

Case No. [16-cv-04345-YGR](#) (PR)

**ORDER REVOKING *IN FORMA*
PAUPERIS STATUS**

12 This closed federal civil rights action, which is currently on appeal, was filed by a *pro se*
13 state prisoner. The Ninth Circuit 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 appeal.
15 This Court determines that it should not. There are no valid grounds on which an appeal can be
16 based. Consequently, the Court certifies that any appeal taken from the Order of Dismissal and
17 Judgment of this action will not be taken in good faith and is therefore frivolous. Fed. R. App. P.
18 ("FRAP") 24(a)(3)(A); *Ellis v. United States*, 356 U.S. 674, 674-75 (1958); *Hooker v. American*
19 *Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). Accordingly, Plaintiff's IFP status is hereby
20 REVOKED. The Clerk of the Court shall forthwith notify Plaintiff and the Court of Appeals of
21 this Order. See FRAP 24(a)(4). Plaintiff may file a motion for leave to proceed IFP on appeal in
22 the Court of Appeals within **thirty (30) days** after service of notice of this Order. See FRAP
23 24(a)(5). Any such motion "must include a copy of the affidavit filed in the district court and the
24 district court's statement of reasons for its action." *Id.*

25 IT IS SO ORDERED.

26 Dated: February 14, 2017

27 
28 YVONNE GONZALEZ ROGERS
United States District Judge